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# THE DOCKET

Vol. XXIV, No. 2

THE VILLANOVA SCHOOL OF LAW

September, 1987

## Dean Takes A Personal View of Supreme Court Nominee

by Alison Forristal

Dean Steven P. Frankino was slated to testify at the Senate conformation hearings at press time on behalf of Supreme Court nominee Judge Robert Bork.

"Judge Bork asked me if I was willing to testify," Frankino said. "I have been called by the White House to come down (to Washington)."

Frankino has known Bork for 15 years and they have developed a "warm professional relationship," according to Frankino.

As a Supreme Court nominee, Frankino is positive about the prospect of testifying for Bork.

"He has all the human skills we would associate with a justice for the Supreme Court and he has all of those in abundance.

"No doubt that Bob (Bork) and I would approach social legislation from a different perspective," Frankino said. "I agree with his ideas about the role of judges in our system and the jurisprudence of judicial decision making. I'm totally comfortable with him as a nominee. I think he fulfills all of the necessary qualities."

"I would testify as to his background as a legal scholar, his basic professional character and could comfortably testify about his reputation," Frankino said. "I would hope to bring insight on Bob's (Bork) jurisprudence from another perspective."

They first met in 1971 when Frankino was Dean of Creighton Law School in Omaha, Nebraska. Bork spoke at the dedication of a new law center at the university. At the time Bork was acting as Solicitor General of the United States.

When he was invited to speak, the Saturday Night Massacre had just occurred. Bork was a controversial figure at that point among lawyers. He called Frankino to offer to step aside for another speaker but Frankino declined the



Dean Steven P. Frankino

offer.

"He got up and rolled off about 15 one-liners that totally removed all anxiety from the situation," Frankino recalled. "That's an indication of what kind of sense of humor he has."

Bork later left his job as Solicitor General to join the faculty at Yale University. After several years he left Yale to join a private law firm in Washington where the two had occasion to work together.

Bork and Frankino worked jointly on projects that their firms collaborated on. One such project was the commission on the written Code of Professional Responsibility for the American Bar Association.

"We had occasion to be together at banquets, symposiums, and conferences," Frankino said. "We would have cocktails and go to dinner together. We had that kind of a friendship. We wouldn't hesitate to pick up the phone and call on another."

Frankino left private law practice to take a position as Dean of Catholic University in Washington, D.C. Bork had also left private law practice when appointed to the Court of Appeals, District of Columbia Circuit. In these capacities they worked together on several academic projects.

"We have a number of things in common: academics, we were both partners in the practice of

law, and mutual friends."

Although they do share some mutual experiences, their political views differ.

"It was never a factor in our relationship that I agree with him. There are many issues on which we don't agree."

"Where you are on an ideological spectrum doesn't matter to him," Frankino said. "He loves to talk to people who don't agree with him." Frankino described characteristics of Bork that haven't been expounded on in the press. "He is an immensely literate person. He has a knowledge of art and music. He is an absolutely charming human being."

## New Dean's Agenda

By Stephen Vedro

Although the duties of a Law School dean are complicated and numerous, Dean Steven P. Frankino feels he has successfully established a working agenda that will greatly affect the present student body as well as the future of the Villanova Law School.

One of his primary concerns as dean is the issue of academic vitality, and his agenda reflects this. He is presently overseeing a in-depth study of the school's curriculum and educational resources. This study, which began last year, will issue a final report indicating the number, type, and character of faculty and program additions needed. One of Dean Frankino's priorities is to implement this plan as soon as possible after reading a consensus among the faculty.

Additionally, a separate task force is currently engaged in studying the library facilities. According to Dean Frankino, "One of the clear national trends is that libraries are going to change dramatically over the next decade and I want to make sure that we are prepared to respond to these changes."

Because new technologies are currently changing the way in which attorneys research and retain information, the dean feels it is important for the library to keep pace with these changes. He feels one step in this direction is the appointment of a search committee to replace the former director of the library, Alan Holoch, who resigned at the end of last year.

Yet another task force has been formed to deal with the question of adequate academic compensation. The dean feels this is necessary "to ensure that Villanova not only attracts but retains and develops the best possible faculty."

Fostering a healthy academic environment in the law school is also one of the dean's chief concerns, mostly because he is aware of the excellent reputation Villanova graduates currently enjoy and he would like this to continue. Across the country Villanova alumni are thought to possess a very sound preparation for the practice of law. In the opinion of Dean Frankino, Villanova graduates "are more attractive from a placement perspective than about 80 percent of the law schools in the country." That is very high praise from someone who has been involved in the national accreditation process and who has visited many law schools across the country.

Another major concern of the dean is the physical facilities of the law school. Currently, there is a study underway to analyze these facilities, namely the heating, plumbing, electrical, and ventilation systems. In addition, a New York firm has been retained to study how efficiently the building is being utilized in order to optimize the available spacial resources for the future development of the institution. The dean is also providing plans for programmed replacement of necessary materials such as carpeting, desks and chairs.

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Next Month... Student Profiles

## Grad Speaker Invited

by John Grisham

The first invitation for VLS 1988 Commencement Speaker is already in the mail, according to a member of the faculty's Honorary Degree Committee.

For what is apparently the first time, the committee and the law school administration have given the graduating class direct input into the speaker selection process. Last April, the Student Bar Association polled the Class of '88 to determine who they would like to hear speak at commencement.

According to Professor William Valente, a member of the Honorary Degree Committee, the names of those candidates were then turned over to the committee and voted on. The list was narrowed to three or four candidates, Valente said, adding that not all of the final candidates were from within the legal profession.

The Dean then forwarded those names to the University's Honorary Degree Committee, which approved the selections. The last step in the process, involves the Dean's formally inviting the finalists in order of preference, to avoid anyone learning that they may not have been first choice, the admin-

istration's policy is not to reveal the names of the finalists.

Valente noted that "there is no time frame for acceptances. Most of these people are pretty busy and there's no telling when they can get back to us, which is why we have to send the invitations prompt-

ly," he said. In response to the question of whether the identity of the graduation speaker could be made known immediately after the selection is finalized, Valente stated: "If the Dean is asked to do so, I don't see any problem with that."

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## The Unmitigated Gall

Funny thing about being back in school. One minute you're a free-thinking summer law clerk in the litigation department, concocting legal theories for the courtroom you wouldn't dare voice in the classroom. Next minute you're playing the Socratic supplicant, hoping against hope to come up with the answer you figure by now some of your professors are looking for. The problem with donning the old beanie again after working as a quasi-lawyer is that we have seen the Emperor, and he is naked! But we still feel compelled to act as though he's wearing a new suit of clothes. Partly out of being polite to our mentors; partly just to play the game and pass the exam. Maybe we're not all that ready to cross the bar just yet after all. How dare a few prescient upper-level instructors start changing the rules and asking questions, the answers to which can't be found in our casebooks? Who cares whether a 19-year-old secretary who lives at home is going to qualify for a \$3,000 car loan? Such questions have absolutely nothing to do with law, right? Maybe not. But they have everything to do with lawyering. We wish more teachers took the time to ask them.

## And Then There Were None

The decision of Charles Martin, the law school's lone black professor, to leave Villanova for "an opportunity" with the Student Loan Marketing Association was obviously a very personal one. But his departure does beg some broader questions that should concern us. Questions like: Why is it that there has never been more than one black on the full-time faculty at the same time in recent memory? And, perhaps more importantly, why should any member of the growing black-applicant professorial pool choose a school like ours where the population is so homogeneous? More than a few of us drive the same kind of cars, come from the same kind of neighborhoods, want to practice the same kind of law. Those kinds of universal attributes say a lot about the entrenched homogeneity of the VLS community. Unless we do something soon, we run the very real risk of becoming too inbred. There may be a certain comfort factor in that for some. But we're not here to be assuaged. We're here to be exposed; and not just to the law. It's easy to disentangle ourselves from the administration and blame it for the conspicuous absence of color on the faculty. Broadening our social and intellectual horizons, conveying an image of diversity — not just to professorial candidates but to employers and the rest of the outside legal community as well — that's the hard part.

## "But the Man's a Genius"

Teacher competence is a No-Win subject, what with the tenure system and all. But that doesn't mean it should be swept under the carpet. Last year our proposal for publishing or otherwise making available the student evaluation forms handed out at the end of each semester fell on deaf ears. And the beat goes on. No sooner than one week into the semester could the perennial lamentations be heard. Dropping courses to fit category requirements or work schedules is a student's prerogative. Feeling forced to drop a course, or having to buy a commercial outline, because an instructor can't communicate the subject material is criminal. Especially at these prices. "But the man's a genius!" reply the "Let-it-slide" crowd who would rather muddle their way through than rock the boat. To which we respond: "What's that got to do with the price of rice in China?" If a teacher can't impart his or her genius, it isn't doing us any good. It's especially disheartening when we run into VLS alumni in the work world and the first question they ask after hearing we're Villanovans is: "Is Professor So-and-So still there?" Then they hasten to add that as long as he or she is still here, they refuse to contribute any money to the school. Interesting idea. Maybe that's the way to make the tenure system accountable.

## Kudos

It takes a certain amount of dedication, and a little bit of guts, for faculty members to descend from their ivory towers to talk *with* — not at — their students about real-world issues. Thanks to Professors Richard Turkington and John Hyson, and Dean Frankino, for thinking enough of the student body to meet with us, to give us your views on the pending Supreme Court nomination, and, most importantly, for listening to us. The time and energy you spent on us is greatly appreciated by the politically active among the student body. And of course, from an educational perspective, one lunch-time chat is worth a thousand lectures.

## Questions to Consider

by Mattie Humphrey

What the American public (and the listening world) heard during the Congressional hearings this summer is that subordinates acted in concert without proper regard to the limits of their authority and actually usurped the authority of the chief executive officer without his knowledge or approval. Thus the responsible authority was denied the opportunity to do his job of critical decision-making because a subordinate felt confident that he could carry out the expressed policy of the executive in his personal capacity as one appointed by that executive . . . even though the people had not elected him to exercise such power . . . and even though the CEO had not delegated such power to him.

In 1985, the people of Philadelphia (and the listening world) heard that their popularly elected chief executive officer had allowed his appointed subordinates to make critical policy decisions on the basis of arguably biased intelligence, and under instructions which were not clearly conceived, or not clearly expressed, or not faithfully heeded. At best there were seriously flawed procedures of intelligence gathering, operational planning, as well as problems of essential communications operative in relation to our municipal crisis which directly led to a fiery holocaust that cost eleven lives including several children on Mother's Day two years ago. Reportedly the resultant fire was permitted to burn as a deliberate official decision at the time.

In both cases a popular CEO is spared critical decisions of important public policy. The roots of the policy questions involved are as old as the nation itself. They have deep connections throughout our domestic priorities and within the scope of our foreign policy.

In the national situation there were issues related to the sovereignty of this country, its near

neighbors and remotely located other sovereigns — some friendly and some considered hostile by our government during several recent administrations. A neighboring sovereign involved is openly a major target of official hostility in the view of the current CEO and to some extent of prior administrations.

In the local situation there were issues related to the unpopular, disruptive and deliberately hostile behavior of citizens toward their peers. The particular crisis here also had persisted through prior administrations as well and the involved citizens were viewed with official hostility for the past decade and a half.

Neither of these affairs can be understood merely in terms of the particular CEO as administrator. Each is popular in the press and at the polls. In each instance the latitude for decision-making that was accorded to appointed staff appears to be a major factor in the resultant tragic failures in the construction, administration and evaluation of official action as an expression of public policy in these episodes both before and after the respective tragic events.

What is the policy source whereby military personnel and former military personnel act for our (national) government in matters of transacting arms sales, hostage releases, and fiscal conversions, presumably under the White House authority?

What is the policy source whereby municipal public safety officers (police) and Commonwealth personnel act for our (local) government in preparing and exploding an incendiary device (bomb) on a house in a city block, presumably under City Hall's authority?

The answers are not easily apparent, but the questions need to be considered by all Americans. It is undeniable that appointed staff have freely done, with questionable authority and utilizing

highly questionable tactics, actions which are properly the exclusive province of the duly elected chief executive officer.

Some commentators have said that the CEO must have authority to do what he wants to as a matter of good business practice. Our government functions like a business in numerous ways. However, under our constitution, government in this country is first and foremost a basic public trust. In fact it seems to many Americans that the safeguarding of that trust is the primary *raison d'être* of the state itself. In any case, thinking Americans must concede that our elected officials are not in power to mimic their private sector counterparts . . . They are not working with their personal funds nor with their personal authority alone. They are the honored repository of our collective trust, fiduciary and policy . . . The private sector does not have this responsibility. What is good for privately conceived and administered corporations is in many cases diametrically opposed to what is good for the public itself. Therefore private corporate practice is not and cannot be a proper standard for the conduct of public affairs, especially as regards the public trust. Americans are reluctant to privatize public services and these extreme consequences should cause us to be even more vigilant against loosely surrendering public services to private corporations. And above all, effective safeguards must be constructed and guaranteed to protect our sovereign public trust as a nation. With liberty and justice for all, democracy as well as a republic.

These two episodes taken together proclaim a serious warning that the American people need to halt the random and rampant privatization of public duties at least until provisions can be made with adequate assurance to safe-

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## THE DOCKET

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**Faculty Advisor**  
Prof. John Cannon



## Letters to the Editor

To the Editors:

In my journeys on registration day I encountered a woman selling parking stickers at \$50 a pop. She had quite a little racket, I thought. Though a wonderful hidden cost for first-year students, being a third year I was prepared to pay. Expecting to receive my parking sticker, I tendered the \$50 and filled out the same form with the same information that I filled out for the past two years.

That's when something unusual happened. She didn't give me a sticker. She gave me something to hang from my rear view mirror. I immediately noticed the problem that the person who chose this system immediately overlooked. I told her that in my home state of Connecticut, and in my belief Pennsylvania, hanging something from the rear view mirror which restricts the driver's view or distracts the driver's attention is illegal. It is also quite dangerous.

Her response was quite helpful. The hanger can be removed when driving and can be hung only while parked at VLS. I thought this through. I know that I'm not perfect. What if I forget? Does my car get towed? Who pays for the towing? If I'm towed just once, my parking costs would at least double. What if I decide to leave this parking permit hung on my rear view mirror and a cop pulls me over. Who pays the ticket? What if I'm involved in an accident? Who pays for the damages — to my car and to my person?

And if these aren't enough worries, I have one that's peculiar. I drive a convertible. If I leave that stupid thing hanging from my rear view mirror, it may blow out of the car. Then where am I? Do I have to buy another one? The system is not thought out. It can be dangerous and it can be expensive. End it now before someone gets hurt.

**Robert "Fred" Lubus, 3L**  
Ditto for us, Fred. But if the new tags are here to stay, one 3L suggests that they at least be car fresheners as well.

— The Editors

### ATTENTION 2Ls & 3Ls

Anyone interested in becoming an Admissions Volunteer to escort prospective applicants to class, to give a tour of the law school, or to be available for questions, please stop in the Admissions Office (Room 50) to sign up.

## A "Perspective" On Course Selection

By Professor Richard C. Turkington

Lawyers are members of what is predominantly a public profession. The professional lives of most lawyers consist of primarily policymaking or consulting functions. At most, 20 percent of lawyers are actively involved in litigation or appellate advocacy. Lawyers predominate in elective offices at the federal level and are now becoming increasingly involved at the state and local level. For the lawyer who is or will be a policymaker in government, theoretical understandings are essential to the making of sound policy. The general structure and overview which perspective materials provide facilitate clear judgments and careful choosing between competing policies and principles. For example, a legislator who is contemplating legislation prohibiting conduct that his or her constituency considers immoral would benefit greatly from exposure in law school to the writings of contemporary moral philosophers and to a thorough discussion of the concept of "victimless crimes."

The policymaker should also have an understanding of the issues that are presented when a law defines something as criminal, i.e., prostitution or gambling, even though there is no victim in the classic sense. In considering the soundness of legislating against this kind of conduct, the cost of law enforcement, for example, is a factor that ought to be taken into account. Regardless of how one resolves these controversial questions, the legislative process and, ultimately, the public, benefits from a thoughtful consideration of all of the pertinent factors.

In some areas of the law, such as tax, knowledge of another discipline, economics, is essential to understanding doctrine. Federal income law, in large measure, is an assortment of economics and accounting concepts. Beyond that, tax policies are central to financial planning decisions in every facet of our economy. Those who formulate tax policy must, therefore, continually examine the economic climate. In a period such as the late 70's and early 80's, when interest rates soared, a tax system that attached no consequence to bargain interest loans simply did not contend with reality. Even a concept as fundamental as the accrual method of accounting, which permits deductions to be taken when the obligation is fixed and the amount is ascertainable, must be altered to prevent using money at the government's expense by causing the deduction to precede actual payment for a substantial period of time.

An additional perspective can be obtained by examining the

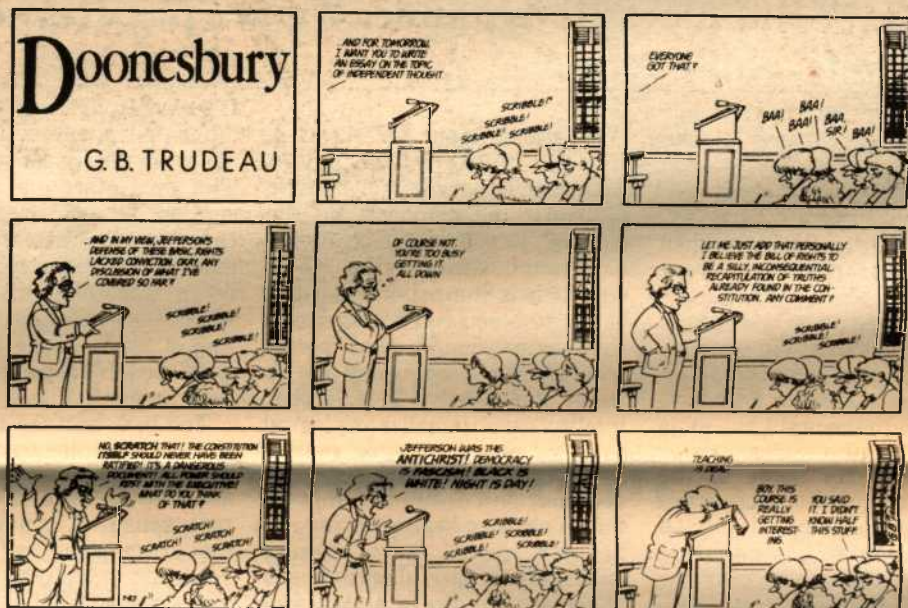
methodologies employed in other disciplines. For example, a recent article in the *Journal of Taxation* suggests using an econometric model to predict the appropriate estate plan for a married couple where state and federal taxes are interdependent and thus have a multiple looping effect which is caused by their interaction.

Theoretical understandings also have practical value for the lawyer who engages in more traditional forms of professional activity. The lawyer's comprehension of such things as the nature of federalism, the defeasibility of legal concepts, the jurisprudential or political philosophy of a particular court, the difference between policy and principle arguments,

or state courts in any one of these jurisdictions. Stewart Speiser, Ralph Nader's lawyer, has written about the strategy that went into the decision to sue in a state court in New York, even though New York did not recognize a legal right to privacy which would prohibit the alleged activities of General Motors. Some of the factors that were considered in the decision to sue in New York were: (1) the choice of law rule of the various jurisdictions; (2) the substantive law of privacy of the various jurisdictions; (3) the tradition of jury awards in federal and state courts within jurisdictions and between different states; and (4) the availability of potentially dilatory procedural moves,

factual situations, the basic rules, principles and concepts of several areas of law. Doctrinal studies also are still a very effective way to develop basic analytical and case analysis skills. But while students need to develop writing and other skills directly related to the everyday responsibility of the practitioner — such as client interviewing and counseling, negotiation, drafting, and advocacy skills — they must also be exposed to more general perspectives on law and the legal system, and to basic understandings about non-legal disciplines would at least include economics, psychology, history, sociology, and philosophy.

Perhaps it has too often been



and the allocation of decision making between intra-governmental institutions, all provide valuable input for all phases of litigation decisions. Such understandings are as important to the competent, caring professional as cross examination skills.

An illustration from a much celebrated case will demonstrate this. Consumer advocate Ralph Nader, brought suit against General Motors in a state court in New York for violation of his legal right to privacy. The state civil suit charged General Motors with (1) tapping his phones, (2) surveillance of his activities, and (3) subjecting him to repetitious anonymous phone calls and other activities. The activities alleged in the complaint occurred in Connecticut, the District of Columbia, Iowa, Massachusetts, New Hampshire, and New York. Given the contacts with these states, Ralph Nader had the option of initiating the lawsuit in many of the federal

such as interlocutory appeals in state and federal courts. A general understanding of our federal system is essential to the identification and evaluation of these factors.

After Nader defeated attempts by General Motors to dismiss the privacy suit on pleadings motions in the New York courts, General Motors settled before trial for \$425,000, which at that time, 1960, was by far the largest monetary recovery ever in this type of action. Mr. Speiser's interesting account of the analysis that went into the ultimate decision of a choice of forum and other aspects of litigation strategy demonstrates how essential general understandings of our Federal system are to the everyday decisions of lawyers involved in litigation in which the parties have contacts with several states.

Of course, the study and learning of doctrinal material is important, too. Students need to know and be able to employ in concrete

said, and it is too obvious, that theoretical perspectives are important for good lawyering. Yet, I suspect that this basic fact may be too easily forgotten during this skills competency phase of legal education. The teaching of theory in law school is likely to be more challenging than ever in the next decade, in part because students come to law school with a very goal-oriented, practical mindset. They are concerned about jobs in a finite market; they are often in debt. These and other factors contribute to a lack of enthusiasm for theoretical or abstract discussions. As law teachers, we must demonstrate to students that a theoretical understanding is useful in the day-to-day decisionmaking of all lawyers, including those who primarily represent clients in traditional law practice and those who formulate policy.

This article is adapted from an article jointly authored by Professors Turkington and Don Llewellyn, 10 *Nova Law Journal* 647.

## AS I SEE IT

by John Bravacos

I have questions for each of the seven Democratic presidential candidates that must be answered before I vote "Democrat" (so you know I'll never get any of these answered). Although they have been referred to as Snow White and the Seven Dwarfs, (Before Biden's departure), I refuse to do so.

You see, this summer the media frustrated me by not asking the obvious questions every voter needs to know. I mean, we all

want to make an informed decision, don't we?

Above all, Jesse Jackson must be asked, if he'd just be quiet for a minute, "How does it feel to be the front runner?"

I'd look square in Pat Schroder's eyes, being careful to avoid the site of her polka-dot dresses, and ask, "Didn't you learn anything from Geraldine Ferraro?"

Of Michael Dukakis, "Why is it that only 20% of Massachusetts residents credit you with the 'Economic Recovery' you claim?"

Paul Simon, of whom I'd ask two. First, "Are those your real ears?" and secondly, for the less astute reader, "Where did you find the time to record Graceland while you're in the Senate?"

To Al Gore, "Why is your wife's name Tipper?" and, "Why is she burning records in Tennessee?"

Bruce Babbitt, "Are you running for president or just raising money?"

Richard Gephardt, "Don't you look just a little too much like Jimmy Carter to be trusted?"

Since this magic press conference is so much fun, there are a few other people I'd like to ask some questions to.

Of Mayor Wilson W. Goode, "Is it just a coincidence that Billy Penn is coming out of his scaffold just less than two months before the election?"

Of former Mayor Frank Rizzo, "Why do you want the job back?"

The author, a 3L, is a Republican party committeeman in Chester County.



## THE PAPER CHASE

by Walter Lucas

by Walter Lucas

I have a very laid back classmate here who never ceases to be amazed at my passion for protest. And although he doesn't share it, he's frequently among the first to proclaim his support for one of my latest causes. But it's a very vicarious kind of support. He's of the kind who prefer to pick their spots, though he has never quite managed to pick one in the two-plus years I've known him. If he had a personal motto, it would have to be: "Chill out. Let it Be."

To which my own motto would reply, in the words of the Sixties poster, "If you are keeping your head while all others around you

cates, yet it's a familiar one. It's impossible to be here for too long without feeling the wariness, the holding back from cause or commitment. Whether we regard the fervor of our activist forbears of the Sixties and Seventies as reckless or see our own reticence as a safety precaution, or just don't give a damn about anything that isn't accompanied by academic credit, I can't say. There is some concern that law school tends to smother students' moral sensibilities, that it teaches legal skills but fails to encourage students to ask how those skills should be used. No wonder so many of us let the market be our

erance is. The big money out there is being paid to the "detail men," the ones with good impulse control, not those rabble-rousing, "better idea" people. The detail men are not fiercely pro or against anything. They are not plagued by introspection. Their convictions have become engulfed in a sea of billable hours, unencumbered by facts and untethered by history.

What worries me about my laid back classmate is that his sense of ease seems to come from a remarkable lack of inner conflict. It's much easier to give up the quest to understand, to criticize, to really stop and try to figure out what is right and what is wrong.

**"We're becoming bland. Successful maybe. But happy? Happiness is dynamic. We are passive, comfortable, chilled out."**

are losing theirs, maybe you don't realize the seriousness of the situation."

I've always worried about people who never seemed to worry. But it's really frightening when some of those people are your professional peers, purportedly those with a leg up on the masses for effecting change. I'm worried, for example, that of all the people I know here taking (or who have taken) Environmental Law, more aspire to work — directly or indirectly — for some of the chemical companies responsible for eroding the ozone layer. Of course, somebody has to defend the polluters. What concerns me, though, is that some of those people have so disentangled themselves from global worries that they really do view what they're being hired to do as "just a job." They can't understand what all this environmentally-conscious hubbub is all about. "Chill out," they say.

That's an awfully ironic admonition coming from future advo-

guide.

Even some of our well-meaning mentors reinforce this notion with their deft displays of analytic brilliance and emphasis on the cerebral to the exclusion of the emotional. Underlying their approach is the notion that it is better to be cool and calculating than impassioned, that people who feel too deeply tend not to think too clearly, that a keen intellect can rationalize any logical position, no matter how unjust. I've often wondered whether coolness isn't really just a cover for an obscene lack of caring. To be sure, moral fervor cannot substitute for careful reasoning in charting a course of action. But beyond analysis, the law is a smorgasbord of choices. Too many of us go through three years here without even looking at the menu.

We're becoming bland. Successful, maybe. But happy? Happiness is dynamic. It requires an expenditure of energy. We are passive, comfortable, chilled out. Commitment is not in vogue now; persev-

It's easy to live life by the black letter. That way, all we have to choose is the proper case citation. The parties are just names in a caption. Yet when we first decided to become lawyers, the dominant expectation was that we'd be doing something distinctly personal — something in the "people" line of work. Along the way we developed this capacity for clinical detachment.

Too bad, because until we get in touch with the emotions of our clients, we're never going to be able to argue their cases with any real sense of conviction. The ozone layer issue isn't just a polite academic debate between those who favor stricter environmental controls and those who favor increased chemical production. It's a dogfight. Because there are enough committed citizens out there who know that if we're allowed to continue perverting nature for the sake of convenience, there soon ain't going to be any ozone layer left to fight about. Then we'll all really need to chill out.

## When your number's up ...

by B.S. Finkel

No doubt it will come back to you many, many years from now, as you lie spent and hopeless, helplessly on the verge of departure from this world. No, I'm not talking about getting your diploma. I mean when your number looks like it's up, and your life flashes in front of your eyes. You will mentally replay the scene in a review of the worst moments of your existence, right between having to tell your father about the dent you put in the car where you backed into that nun (it wouldn't have been so bad if she wasn't in the cloisters at the time) and the horrible incident where you accidentally brushed your teeth with toxic waste at the Jersey Shore (at least it got rid of that damn plaque once and for all). The experience will stand out in your memory like a neanderthal at a piano recital:

*That first time you spoke in class.* There are a lot of ways it might have gone down, but most follow one of two patterns. After either, you felt compelled to wear one of those rubber bald head-skin wig to class for the next few days to prevent further embarrassment. The first is the out-of-your-depth experience, when you are testing the water with your big toe and

the professor tosses you into the deep end:

*(Professor gestures in your general direction. Everyone around you averts their eyes, staring down at their books, as if a solar eclipse is taking place at the podium.)* Professor: You've all read how this concept was applied in the case of Shemp versus Moe? Did the court consider it dictum?

*You:* (reluctantly): No, they seemed to think he deserved it. *Professor* (although you can't see below the podium he's standing behind, it appears like he's loading a pistol): You're not addressing the issue of dicta.

*You:* In a writ of Corpus Christi — no, Corpus callosum ... can I take the fifth?

*Professor:* If you feel you need to. (You pull out a bottle of Jack Daniels and take a good long swig. The professor calls on someone else.)

*Professor:* Mister Palmer, how do you feel about the dicta?

*Palmer:* No doubt about it, it's a dicta to love. (You drain the bottle, and break it over Mr. Palmer's head.)

After class, everyone comes up to you and professes sympathy for your failure, but you notice they jot down your name with a little note never to let you in their study

group.

Sometimes the question can be less taxing, but at the time, it certainly seems like April 15th:

*Professor:* What was the verdict? *You:* I believe, that is to say, based on the evidence presented, thusly, taking into account the factors of the demurrer and the objections therein raised by the plaintiff, and I would be remiss in overlooking the intention of the actor, I believe the answer to your question is — eleven?

**"The experience will stand out in your memory like a neanderthal at a piano recital: The first time you spoke in class."**

*Professor:* What?

*You:* Guatemala? Stegosaurus? Villanelle? Verbigeration?

*Professor:* No, just tell me the verdict in the case.

*You:* No hablo ingles.

*Professor:* The verdict was guilty. You (scribbling furiously): Could you spell that?

Fortunately, if you should falter, there will always be one or two students who will raise his or her hand, eager to help bail out a fellow classmate in trouble, in much the same fashion as the

other television evangelists wanted to bail out Jim Bakker. You know the ones, the people who showed up the first day with their own Mr. Microphones.

These individuals are well-spoken, intelligent, hard-working, dedicated, interested students of the law, and should be taken as such. I haven't decided where to take them as such; I'm leaning toward Kuwait right now.

There is an art to speaking in class. It's a fine line between

saying too little (and having the professor think you're the intellectual equal of a large radish) or too much (ditto). The other drawback with talking too much is that your colleagues may also try to equate your intellect with a large radish. Physically, through your nostrils. I can't really prescribe a rule of thumb for how often you should speak up in class. It's up to you to decide on a level of class participation you're comfortable with. Just an interesting side note: the Lancaster Farmer's Market

## Philadelphia 1787

by Mary K. Schottmiller

How lucky we are to be living in Philadelphia during the 200th anniversary of our Constitution! Parties, fireworks, concerts, Ron and Nancy Reagan. But were the delegates to the Constitutional Convention happy with Philadelphia? The important question — how was Philadelphia nightlife in 1787?

Because of the predominating Quaker tone, Philadelphia offered few degenerate public amusements. Billiards were in vogue, as well as card-playing and gambling. The precursor to pit bull fighting, cockfighting, was also popular. For more genteel entertainment, people visited art galleries, libraries, and the elaborate public gardens.

However, a good deal of life circulated around the taverns. Philadelphia had 117 of them, but they were more like inns than

saloons. Servants assigned to the customers brought in magazines and ordered drinks. Philadelphia was described as "large, elegant, and populous," by one of the delegates.

"Elegant" was true so long as you didn't venture out at night. Theft, murder, and muggings were common, and the streets were filled with vagrants and drunks. Directly behind the State House, where the Convention met, was the Walnut Street Jail. Here the prisoners thrust out their caps on long poles, begging money from passers-by. If no money was forthcoming, they could "load you with the most foul and horrid imprecations." As a consequence of the numbers of criminals in the city, the streets were lit with oil lamps, and patrolled by constables. Philadelphia also sported the most lawyers in the states, 34.

## Time to Tune Into the Real World

by Judy McClenning

When was the last time you looked at the cover of Rolling Stone? Have you heard what's in for fall action-wear? Do you even know who Newsweek's feature story is about this week? Look at yourself! You're wearing last year's styles and the only cocktail party conversation you can serve up has "law nerd" written all over it. Step out of that box you're living in and get tuned into the world again!

So, maybe you don't care that the "mini" is back. But there's some significant events taking place next week, and guess what? They aren't going on at VLS. Sad, but true, too many of you have been trodding up and down the halls unaware of Judge Bork's impending confirmation hearings,

or what's worse, even the vaguest notion of his judicial record. It's not just a matter of politics. Regardless of your ideological stance you ought to be cognizant of who these people are who are making the laws you will be implementing as a professional and, more importantly, living your life by.

The Constitution turned 200 on September 17. Do we really need another clash between "We The People" and protestors before Independence Hall to re-enlighten us as to what our Constitution states, and just why it exists. Pick up that newspaper, flick on that tube, and maybe even watch a little "Entertainment Tonight." After all, you never know who may sit next to you on the train tonight.

does sell some amazingly large radishes, at very reasonable prices.

*Some further helpful hints:*

- If you have to use a microphone to speak in class, don't hold the button down continuously. As you talk into it, press the button down and release, hold it down and release. This might make people think that you are actually possessed with a brilliant mind able to grasp the law in all its complexity, but are confounded by mechanical things. Then again, they might just think you're possessed with a mind unable to grasp the complexity of holding down the microphone button.
- If you forget a latin phrase but remember what it means in English, translate it into pig latin. Say you forget the latin phrase that conveys the meaning 'victim' (in fact, I've forgotten it myself) — smoothly slip the pig latin equivalent in your sentence in place of the latin words ("... and the oor-pay uck-schmay is suing for damages.") You'll sound intelligent, trust me.
- If the professor asks if you have any questions, keep in mind he is referring to the law.

• Ignore my advice. That's probably the best advice I can give you.



## Labor Law Symposium Planned

by Michael Jones

This year's Law Review Symposium will concern generally the subject of labor law, and specifically with the problems associated with regulating small employers under federal labor-related status. Essentially, the symposium will examine three major aspects of the issue: economics of regulatory compliances, social repercussions, and the influence of unions. The first area will focus primarily on the difficulties of small employers, some of whom are unaware that they are covered by regulations instituted by agencies such as OSHA and therefore are unaware of their duty to comply with these rules. Large firms have a strong interest in pushing for a heavily regulated environment since this will create barriers to entry. A heavy regulation will also reduce competitive pressures from lower labor costs which will substantially limit competition from small firms who do not have the wherewithall to process the flood of legal paperwork. Many small "mom and pop" businesses may lack the ability to communicate relevant information to line supervisors and workers.

ing small and large employers. Obviously there are added costs to unions in organizing small employers; economies of scale may not become operative. Diversity in the work environment may additionally create organizational problems. In some cases, unionization may not be an effective measure.

In order to discern some more precise understanding of these issues, a panel of seven labor law experts will be assembled for the symposium. The experts include:

John Dunlop, Secretary of Labor under former president Ford; Roland Droitsch, currently Assistant Secretary of Policy in the Department of Labor; Richard Trumka, President of the United Mine Workers; Tom Donohue, Secretary Treasurer of the AFL-CIO; Dr. Medoff, a Harvard professor writing a book in this topic with Dunlop; William J. Curtin, management labor attorney with Morgan, Lewis, & Bockius; and an unnamed representative from Citizens For A Sound Economy, a national non-interventionist policy group. The discussion will be moderated by Professor Perritt,

By Suzanne M. Cosentino 1L

For the last few years the Catholic Law Students of VLS toiled in virtual anonymity without the trappings of an organization. Still they have managed to enlist the law school community for charitable purposes. This year they've become an official VLS group ... calling themselves the Catholic Law Students Association.

The foundations for CLSA can be traced back to the St. Thomas More Society, which became inactive a few years ago. About two years ago, a couple of students started to organize a weekly Mass with the assistance of The Rev. Robert Martin, O.S.A., '85. The group gradually increased in number and became involved in community activities as well. So why the need to become an official organization? In a word, "practicality," says Anne Grasso, a 3L and one of the founding members of CLSA. "The official status provides funding, increased advertising capability, and structure for the group, as well as a means of preserving it."

CLSA is associated with various community service projects,

among them a food drive, a Soup Kitchen, and various clothing drives. The food drive occurs once a year, with the money collected donated to the St. Frances Inn in the Kensington section of Philadelphia or the Sacred Heart Church in Camden, N.J. It should be noted that participation in this activity is not limited to CLSA members; rather this activity is in conjunction with other groups.

Approximately three times per month, CLSA participates sign up to serve dinner to the needy, or, sometimes, to stock shelves or help in the shelters. The time required for these projects is relative short (most people are here from 3:30-7 p.m.) rewards are great. Clothing drives in the past have been less structured than the other activities; with no official means of contact with the group, people who wished to donate clothes used to have to locate individual members on campus. However, the official status of CLSA will facilitate such an activity. The clothes are donated to the St. Frances Inn, which has a thrift shop.

The group's activities by themselves are a sizeable task for any

organization; however, CLSA also involves itself in other areas. For example, CLSA maintains a dialogue with Campus Ministries at the undergraduate level at Villanova. According to Steve Johnson, a 3L and a founding member, by publicizing events supported by Campus Ministries, CLSA hopes to "involve the law community in worthwhile activities of which it otherwise might not be aware." Some such activities include "Hunger Awareness Week," whose purpose is to educate students about the problem of world hunger, and Balloon Day, a yearly carnival to raise money for a designated charity.

CLSA is not strictly a community service group, however. Plans for this year include speakers, social events, and a retreat; and, of course, CLSA's weekly Masses will begin soon for those members of the campus community who wish to attend. Anyone interested in finding out more about this organization should leave a note in the CLSA mailbox. Membership is not limited to a particular religious affiliation, all are welcome to participate.

**This event will be held on  
February 27, between 1 and 4 p.m.  
in Room 29 of the Law School**

Social issues include conflicting opinions regarding the efficacy of government intervention in the private sector economy. Should government get involved at all?

How much of the infrastructure of our corporate culture should be created through the interplay of market forces? Should we "let business run business" as has been variously suggested by free-market economists or should the government act to protect the interests of highly speculative entrepreneurial endeavors which, though risky, may represent the wellspring of American technological creativity? At issue here are also fundamental questions concerning public policy as it relates to the most efficient utilization of our human resources.

Unions are also a primary consideration in any discussion about the various problems of small and large employers. Obviously there added costs to unions in organiz-

who incidentally was deputy undersecretary under Dunlop. Each participant will submit a Law Review Symposium Paper to be edited and published in next year's Law Review.

Sam McLaughlin, Law Review Symposium Editor was enthusiastic about the new format for this year's symposium. He believes the use of Professor Perritt as moderator will result in more direct clashes and confrontations by the participants on key issues and that the ability of the moderator to elicit arguments will make the whole discussion more interesting.

The symposium is of great interest not only to those with an interest in labor law but also to the students, faculty, and general public, any and all of whom are welcome. This event will be held on February 27, between 1 and 4 p.m. here at the Law School in Room 29. By all accounts it will be a lively afternoon.

## SBA Events

by Paul Lader

Now that the fall semester is under way, the Student Bar Association (SBA) will be sponsoring various social events to take place in the coming months. On September 23-24, the SBA will be holding its elections. On October 10, there will be a non-denominational Red Mass to provide spiritual uplift for students and faculty which will be followed by a reception at Connelly Center. On October 28, the SBA will sponsor a placement symposium, where Joan Beck, Director of Placement, will explain the functions of the office. Afterwards, a representative from Corporate Counsel will explain the counsel's roles and functions. At the end of October (an exact date has not yet been set), there will be a discussion on the subject of economics

and the law. An economics professor will discuss the new economic analysis and movement within the law. Some of the main proponents of this movement include Supreme Court Justice Antonin Scalia and the controversial Supreme Court nominee Judge Robert Bork.

Also planned for the end of October will be an Oktoberfest; further details will be announced. November 2 is Parents Day; all parents and spouses of students are invited. And sometime in December a Christmas social will be held. In between these various events, the SBA will sponsor several Friday afternoon social gatherings to which all are invited. The SBA has been pleased with student participation in activities held thus far.



## ABA Lobbies For Students

by Paul Lader

For those who may not know, ABA/LSD stands for American Bar Association's Law Student Division, whose purpose is to provide services and information for students in law schools accredited by the ABA. Nancy Sabol is Villanova Law School's liaison between the ABA/LSD and the students here. In addition to recruiting and providing information and services, Sabol's representation provides each student with the opportunity to propose any resolution (legal, political, etc.) for consideration by the ABA. Resolutions are submitted to Sabol and they will be voted upon by members at the ABA's annual convention. If they are affirmed, the ABA will use its lobbying power to bring the resolution to the attention of the government.

At the end of this past June, tentative plans were made for a mini-convention for states in the Third Circuit (Maryland, New

## Environmental Law Group Incorporates

By Joseph Garland

The Environmental Law Group started off this year with an extremely successful membership drive at the S.B.A. sponsored activity T.G.I.F. in early September. The attraction of this group to law students is not surprising. Its phenomenal energy has attracted the attention of a great many in the legal community. What has the group done to transcend the ordinary and to deserve such attention? Over the last few semesters the students of the Environmental Law Group have compiled a comprehensive environmental law reference guide which has since been published. It is widely acknowledged as one of the most useful tools available to the practicing environmental lawyer.

The guide, entitled View Index, has been selling quite well at about \$125.00 a copy. The profits gained since the book first went on sale early this summer have enabled the group to buy a computer which will allow the group to update the guide and create supplements.

The Environmental Law Group is also now incorporated. Under the direction of the group's moderator, Professor Hyson, along with the aid of VLS grad Charles Howland and a helpful law firm, the group was incorporated as "Villanova Incorporated Environmental Watch" or "V.I.E.W." Student members now sit on the board of directors and follow the procedures required for corporate

existence. It is a non-profit corporation.

The group meets approximately once a month to discuss business and plan upcoming events and activities. Some of these include luncheons with speakers who will address current topics in environmental law as well as symposiums at which several important speakers will be presented. A symposium planned for next semester will be directed toward the problems of solid waste disposal in Philadelphia.

The current administration, under David Buzzel, is not content to rest on these laurels, though, and is presently exploring quite a few other ideas, which, although too embryonic in development for discussion here, promise to be just as successful as the newborn reference guide.

The group describes itself as "pre-professional" and claims to be neither pro industry nor pro environment to the exclusion of opposing viewpoints. It considers itself more of an amalgam of all those interested in law and the environment. Many members have no previous environmental law experience.

The Environmental Law Group now shares an office with the Docket (Room 6). Those interested in joining may contact officers David Buzzel, David Butterworth, Tom Hughes, Leslie Castaldi, or David Francis. News of upcoming events will be published in the school's weekly newsletter.

Jersey, Delaware, and Pennsylvania) to be held this spring to promote interest in the ABA. From August 6-10, Sabol, along with Jim Swift, President of the Student Bar Association, represented Villanova Law School at the ABA's national convention in San Francisco. They voted to pass resolutions on various topics. Some of these included government loan forgiveness programs for law school graduates who take

low-paying public interest jobs; whether Congress should pressure the executive branch to increase efforts to locate Vietnam POW/MIA's; and whether law instruction should be held in foreign languages for foreign students. At the end of October there will be a caucus in Atlantic City to discuss which resolutions submitted by students in this circuit will be presented at the 1988 national convention.



## 3L With Brains and Braun

by Jessica R. Conley

Everyone knows that brains and big biceps don't mix. Everyone ... except Larry Epter. As a VLS 3L and a competitive bodybuilder, Epter develops both his mind and his muscles.

For Epter, bodybuilding was a gradual progression from his early devotion to the martial arts. While in his native New York, Larry was both a student and a teacher in the martial arts of Tae-Kwon-Do Karate and Tiger Crane Kung Fu.

Before law school, he competed in the World Tae-Kwon-Do Championships twice and was undefeated in the Empire State Championships in the brown belt and up level.

Epter's interest in bodybuilding first developed at the magazine rack. While browsing through the martial arts magazines, he could not help noticing those on bodybuilding usually situated nearby.

He started training with weights primarily to build his strength for the martial arts. It wasn't until his martial arts instructor went to jail that Epter decided to make a full-time commitment to bodybuilding.

Epter trained extensively for approximately two years before competing in the N.P.C. Regional Teenage Championships and Teenage Mr. America, placing third in the Regionals and eighth in the Nationals. He wouldn't train again for more than three years because of his disillusionment over the politics of the competitive sport. Older and wiser, his love of the sport eventually prevailed and he started training again, and has done so for the past two years.

Epter hopes to compete in the Natural Junior National Bodybuilding Championships and Natural National Bodybuilding Championships this year or early next year, and the National Collegiate Bodybuilding Championships this April where he would represent Villanova.

"The term, 'natural', is used

because there will be drug testing for anabolic steroids, as well as any pharmaceutical drugs to enhance the appearance of the muscles," Epter explained. He is proud to say he has never taken any of those drugs, which pervade the sport of bodybuilding.

Boot camp sounds like fun after learning of the Spartan-like training Epter willingly endures each day. For 15 to 18 weeks before a competition, he trains six days a week, Monday through Saturday. He splits the body into three units: Monday and Thursday he devel-



A more casual Larry Epter.

ops his chest, biceps, triceps, and forearms; Tuesday and Friday his shoulders, traps, and back; Wednesday and Saturday his legs. Abdominals and calves are trained three to five times a week.

Epter developed this program on his own. "Bodybuilding," he says, "is a self-education process." Epter does a tremendous amount of reading, asks questions, and seeks advice from fellow bodybuilders. He devotes three-and-a-half to four hours per day to training. That includes his traveling time back and forth to a Northeast Philadelphia gym.

In addition, Epter follows a strict low fat-high carbohydrate-high protein diet consisting of white meat (poultry and fish), grains, potatoes, fruits, and egg whites. Red meat and whole eggs

are *verboten*. Tanning, either artificial or natural, is required for competition. Also, he must practice poses, which are choreographed routines to music.

One wonders: with all the time he devotes to developing his muscles, does he have time to develop his brain? Epter turned down an appointment to the Moot Court Board to take a position on Law Review. He is one of three articles editors. Not satisfied with that workload, he entered and won the VLS Client Counseling and Interviewing Competition last year.

He credits his academic success to bodybuilding. "Bodybuilding gives me an opportunity to get away from school, to get away from the books for awhile, and just do my own thing and clear my head," he says. "It makes me much more content as an individual and much more ready to sit down and study because I've released a lot of tension and because it's such a positive experience."

Although bodybuilding and law school seem to have nothing in common, Epter believes the formula for success in both is very similar. "A lot of the principles I've learned that are inherent in becoming successful in bodybuilding — time management, prioritizing weak points, discipline, short and long-term goal setting — are inherent in becoming successful in law school," he says.

Is there a secret formula for "having it all"? "Balance," says Epter. "One of the things I learned in the martial arts is the Yin-Yang principle, which boils down to balance — balance in your life and balance in the things you do. I feel that, without the bodybuilding, if I just went to law school I wouldn't have the balance because I wouldn't have that other side. By the same token, if I just trained and didn't go to law school and didn't do something intellectually stimulating, I would need something to provide the balance. Bodybuilding does this." Epter



Larry Epter in a competition.

also credits his success to his mother, Helen, his brother, Mike, stepfather, Angelo, and countless friends and training partners who have helped him pursue his goals.

He envisions a lifetime involvement in bodybuilding on some level. After graduation, he hopes to pursue a career in entertainment and sports law, an interest that was sparked by his constant association with athletes and his undergraduate major in Communication Arts.

Epter says people have often told him that he doesn't fit the stereotype of how a law student should look and dress. He

responds: "You can't go changing for everybody. You have to stand up for what you believe in. It applies to the sport and to life. You have to be an individual and pursue your ideals and not succumb to group pressure." In short, says Epter, "you have to do what makes you smile."

So if you wander down into the basement of the law library, hidden behind one of the law review carrels, you just might meet Larry Epter, Villanova's own version of Arnold Schwarzenegger. He'll probably be smiling.

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## Diverse Students Color First Year Class

Ask IL Charles Banta, "What has 1800 legs and affects Charles Banta?" The answer you will get is the Alpo Pet Center. Banta is the Director of the Pet Center which is the primary testing facility for ALPO Pet Products. It houses approximately 300 dogs and 150 cats (1800 legs). Banta received his Ph.D. in Nutrition from Cornell University and is involved with the nutritional adequacy of the product, advertising substantiations and challenges, and state/federal regulatory affairs such as labelling of food products.

In addition to these duties, he has acted as Alpo's chief company spokesman, has travelled extensively for the company and has served as the National Advertising Director for the Better Business Bureau, and has served on the National Advertising Review Board.

At home, Banta has two dogs, one cat and one parrot (who mimics his wife's Brooklyn accent). In addition to his four legged and two clawed compatriots, he has a wife and three children (all of the two legged variety).

In his "spare" time, Banta has chosen Villanova Law School for the pursuit of his law studies. He hopes to apply his forthcoming knowledge to the area of administrative law in the food and dairy industry.

**James Dunleavy:** You don't have to go to Ireland to experience "a we bit o' the Irish poet" — just talk to Jim Dunleavy. Although Jim has been in this country approximately ten years,

his Irish lilt takes you back to the Emerald Isle.

Dunleavy received his Ph.D. in Physical Chemistry from the University College, Galway, which is part of the National University of Ireland. He has served as the Chairman of the Science Committee of the Royal Dublin Society which promotes industry and useful arts and sciences. A few years ago Jim helped Timothy Severin "prove" that Irish monks (St. Brendan) were capable of discovering America as early as 495 A.D. Jim research and consulted on the building of the vessel in which Severin took his voyage to America from Ireland. Dunleavy has taught Anglo-Irish literature at Villanova and when asked why he was attending law school, he stated that he "had a great respect for the language." So far, he was "impressed" with the seemingly long-winded opinions of the Supreme Court and the "verbal ectoplasm" of the cases where "one had to squeeze out the wisdom."

Eventually, Dunleavy may want to return to the environmental issues in the law. Prior to coming to Villanova, he was employed by a New York corporation in environmental issues.

He has a wife and two children. His second child was born September 10th. Dunleavy has also expressed the desire to institute a Legal Limerick contest for law students.

There was a lawyer named Scott

Who fell in with a worrisome

lot.

He sued them all,  
Thin, short, fat, and tall.

And every court came to dread Scott.

**Lynn Kessler Lechter:** New York, Pittsburgh, Chicago, Devon and Bogota, Colombia all have been homes to Lynn Lechter. Lechter has her Master's and "1/2 Ph.D." in Informational Sciences. She has worked as the project coordinator for the computerized data base used in two major litigations by Westinghouse, Inc.

When she moved to Colombia with her husband she edited and coordinated a publication which was a vehicle meshing US government military personnel and the Colombian people. Fluent in Spanish, she worked as an unofficial liaison between American Embassy personnel, the American Society of Bogota and various Colombian businesses.

Moving back to Chicago she freelanced in the informational sciences field and eventually started a company with her sister (Chonsby Inc.) which manufactures and distributes stick-on pictures. The company has been mentioned in USA Today and lists Placido Domingo as one of its clients.

Lechter is also actively involved in fund raising and volunteer services. She helped to create the Ethiopian Jews out of Ethiopia campaign and is active in the Soup Kitchens that the Catholic church operates in South Philadelphia. Lechter is married and has a daughter who is a senior in college.

## Reasons to Join ABA/LSD

by Nancy Sabol

"Why should I join the ABA/LSD?" (American Bar Association/Law Student Division) is the question I most often hear from IL's who have found their student mailbox stuffed with a blue and green ABA/LSD membership brochure. Well, hopefully I can answer your question and convince you to fill out your application and send it to the National headquarters in Chicago.

The most beneficial reason for joining is that your membership dues of \$10 (which is actually one-third of the cost of your membership) includes subscriptions to the **Student Lawyer** magazine and the **ABA Journal**. As a member, you will also be eligible for low rates on life and health insurance, and a 30% discount on the Preliminary Multistate Bar Review (PMBR) seminars.

On a more serious note, any ABA/LSD member may propose a resolution for adoption by the LSD and perhaps by the ABA. Through its resolution process, the LSD may take a position on any issue and release it to the news media or use its resources for lobbying

the state or federal government.

Why do I want you to join the ABA/LSD? Well, to be quite frank, it's quite embarrassing to be the ABA representative from the law school which has the lowest membership in the country. Only 6.47 percent of Villanova law students are members of the ABA/LSD. Examples of membership at other schools are as follows:

| School                     | Percent of students in ABA/LSD |
|----------------------------|--------------------------------|
| University of Pennsylvania | 17.26                          |
| Temple University          | 14.78                          |
| Dickinson Law School       | 33.78                          |
| Georgetown University      | 27.11                          |
| Boston College             | 17.26                          |
| Harvard University         | 26.16                          |
| Duke University            | 23.35                          |
| Delaware Law School        | 47.79                          |
| Emory University           | 29.71                          |

If any student would like to join the ABA/LSD and has not received a membership application, please leave your name and phone number in the SBA office. With your support, Villanova will hopefully reach at least a 20 percent membership rate by the end of 1987.

## The Docket Needs Staff Members!

*If You're Interested,  
See Amy McGovern*

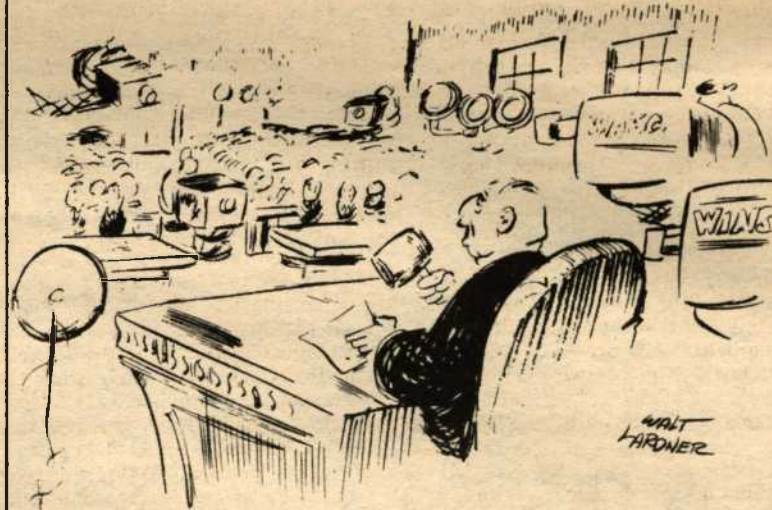
or

*Walter Lucas*

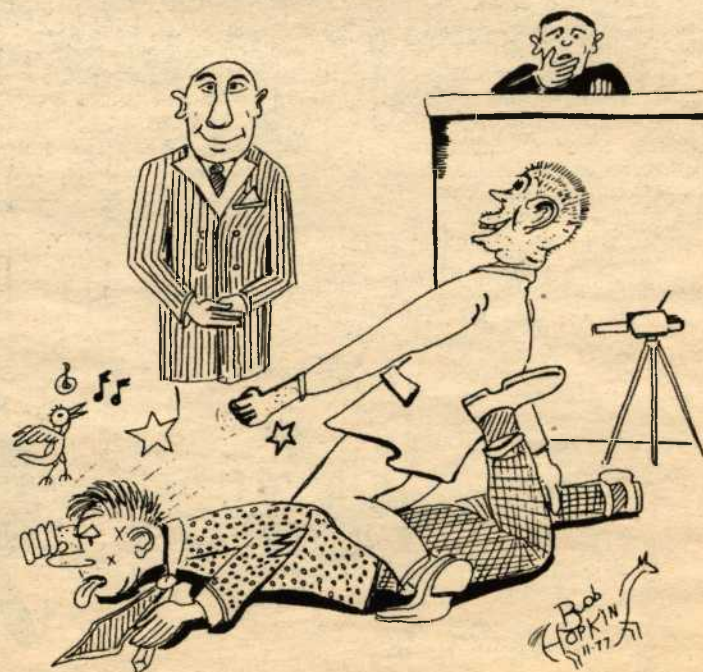
or

*Leave a Note in the Docket Mailbox  
in Vending Room*

## Legal Humor



"Court will recess for 10 minutes while court, counsel, and witnesses have their makeup renewed."



"Thank you, sir, for demonstrating with the court reporter how you apprehended the defendant. You may return to the witness stand."





## THE GAREY HIGH SOCIAL



By Nancy Drew, Lois Lane  
and Sherlock Holmes

This was the summer of our discontent and the purple heart casualty list is long. Our advice to the lonely, after what reports indicate was a devastating summer, seek and destroy the 1L's.

One happening 3L was spotted on Sea Isle with a pre-pubescent fan club. Who is this macho beach hunk with the ability to kick sand at 90-lb. weaklings, build sand castles with a single cup and attract 15-year-olds from a 200-yard radius? He's a law student, he's a 3L, he's **Tim B!**

### The Wild Ones

Animal House II? That's the rumor surrounding the refined residence of those traditional party luminaries, 3L's **Gene T.**, **Pat H.**, and **Rich M.** and 1L **Ed D.** Pass the word — we hear that the Budweiser Bros. are throwing a bash very soon. But, remember this boy scout warning — be prepared with your toga, tequila and a can of industrial strength Lysol.

2L **Bob R.** had a welcome back bash early in the season. We are pleased to announce that most of last year's less than active 1L's are finally able to party with the big boys. However, some lessons take time to learn. We gave this fiesta only 2½ beer mugs. Running out of beer by 12:30 is a bozo no-no. Try again, **Bob**, you're on the right track.

No social section is complete without a passing mention of Penn Street. This year's party palace is the entire 881 duplex. We shall see how well 3L's **Joe G.**, **Kevin M.**, **Tony D.**, and **Mike N.** can fill the shoes of that revered party animal, alum **Jamie F.** Your first party was rated 3 mugs. Better than **Bob R.**'s because you didn't run out of beer — but things have got to get hopping. May we suggest you liven things up with a revealing game of "I never" or a season opener of "Olympic Quarters." We just didn't see enough people getting out of hand ... but then again, maybe we don't remember.

While we are on Penn Street — we hear there were sightings of ghouls and demons down the street. Apparently, three VLS coeds (an alum, a 3L and a 1L) were driven to seek refuge from this Bryn Mawr Horror. These responsible reporters checked out the demonic duplex, armed with garlic powder, baseball bats and the rest of the Penn Street gang. No ectoplasmic slime dripped from the cabinets and none of us were left behind in the television. However, rumor has it the place has been exorcised in the past. Personally, that info and **Tony D.**'s toying with the fuse box was enough for one fright night.

### Hey, Is That Ball & Chain New?

Wedding bells abound for our Law Review's Editor-in-Chief. Congratulations to 3L **Lisa K-S** and her new husband. Do tell, will the law review cover the event?

Speaking of events, congrats to 3L **Ken T.** on his recent nuptials. We are

sorry that the Inquirer society page preempted Docket coverage of the event. For those of you who missed the press on **Ken's** wedding, look for the story in this season's "Lifestyles of the Rich and Tasteless."

Congratulations on engagements go to 2L **Rich S.** and 3L **Lydia L.** They are definitely a favorite couple and we are pleased they survived the "Mean Season" this summer. And, **Lydia**, there is no way the heat of the summer could melt that piece of ice. Prudential has nothing over you guys.

Congrats to 3L **Mark M.**, your engagement is a very new scoop. We want all of you to feel great about throwing your single, carefree lives to the dogs. Best wishes.

### Career Corner

Yes, that joyous time of year is upon us again — it's interview season. For those of you not on law review, if it makes you feel better, you can dress up in suits a couple days a week and carry a resume 'round. It will make everyone wonder who you know or what you did. Oh, and if anyone needs fashion advice, the expert on "dressing for success" is 3L **George "Power Tie" P.** The person NOT to ask, unless you're interviewing with **Jerry Garcia**, is former fashion maven 3L **Dave W.** Has **Dave** been wearing tie-dyed Hanes' under his suits? Just kidding **Dave**, you are still a trend-setter in Caf-fashion. Speaking of the Caf ...

### Attention 1L's

There is a law school requirement which the orientation counselors left to us to explain. As essential element of your law school experience should include logging as many hours of Cafeteria Time (CT) as possible. If you must blow off, oh, say, contracts to get your RDACT (recommended daily allowance of caf-time), then you must. Or, you could follow the example of CT great **John R.** and come in to log hours when you don't even have class. The procedure for logging CT is very simple: enter the caf, choose a table strategically located with a good view of both doors and the food line, and engage in inane and slanderous banter with your peers. Oh, and don't forget, crucial to quality CT is catching the change of shift — the 11:30 is particularly popular. Should anyone have any further questions regarding this hallowed Garey High tradition, contact the present day CT Kings — it's an apparent 3-way tie between 3L's **Harry K.**, **Dave W.** and **Bob K.** They can be found (where else?) in the cafeteria (especially during Secured Transactions). Is it true that SBA Prez. **Jim S.** is lobbying for Simul-Cast of all 3d year classes on closed circuit in the Caf? Way to go Swifty!!

Speaking of CT, there has been a noticeable decline in Caf morale since the departure of former CT queen **Helen K-G.** Can you believe that American Law School has no Caf? **Helen**, you should have known it was a bad sign. What do those geeks do

during the day? Foreign correspondent 3L **Ross E.** got the scoop on that scene this weekend when he went on location in D.C. Quoting contacts **Howard & Cory** on the "American" experience, "what a long strange trip it's been." Well **Helen**, if that's the case, you should have no problem fitting in.

Uh oh — could we have another boring year of 1L scoops? No one has committed any social outrage that we are yet aware of. Don't panic, it's early yet. But we do admonish — we Garey High Socialites have a reputation to live down to and soon it will be up to you to carry on the tradition. Hopefully the 1L's will redeem their sterling (so far) reputations at the Phi Delta Phi TG on Friday. Remember: it is law students who gave new meaning to the phrase drunk and disorderly, especially disorderly!!!

We close this month with great optimism for a fruitful year of scooping. You know it's going to be good when what is written is so little in proportion to what is known. In other words, this should serve as inspiration to all of you closet social detectives — Good night and good news.

A HOT news item is that **Clare K.** has a new "beau" who happens to also have that "irresistible" red hair ... **Mary S.** and **Jan K.** had a "night on the town" subsequent to being seen in intense conversation at **Bob R.**'s "First Day of School" bash.

The question on everyone's mind is "Who was that woman from Belgium?" **Bill T.** certainly appeared quite enthralled by her visit ... **Bill F.** is certainly enthralled with his self-appointed position as the welcoming committee for blond 1L females.

Old News — **Colleen C.** and **Dave P.** are still "friends."

No Longer News — **Bill M.** and **Barb S.**, and **Michelle L.** and **Don.**

News from the "throne": It seems that we will never know what truly happened in San Francisco with our "king" **Jim S.** and **Nancy S.** ... Is it true that you became "engaged"?

Congratulations to **Frank R.** on his real engagement to **Chris** and to **Cindy K.** on her engagement.

What seems to be missing from this year's column is any news about the antics of **Ross E.** and **Dave W.** Have the two of you settled down or are you just being discreet?

Everyone is asking **Tim C.** to conduct a seminar on "Staying Calm in an Interview with an emphasis on Unexpected Nosebleeds." Also in demand is a lecture by **Kevin C.** on the pros and cons of living on Mailox and Pepto-Bismol during the first year of law school.

Alumni News: Our former "king" **Mason** no longer has **Sandra** as his "Queen." **Ned M.** and **Robin F.** are now an official "Broadlawn" romance.

Well, I'm sure that our next column will be filled with tales of scenarios at Friendly's after the Moot Court briefs are handed in on September 21. Perhaps by then we'll have some interesting news about our first year class.

## Writing Instructors Pen New Book

By Lynne Harper

Next fall there will be a new legal writing book on the market.

The visiting legal writing instructors, **Nancy Schultz**, **Annemiek Young**, **Karen Porter**, **Lauren Scott**, and program director **Louis Sirico** have used their combined experience to pen a new book tentatively called **Legal Writing and Oral Advocacy**.

The group had been unhappy with the texts they used last year and were contemplating using their own materials this year. "We got tired of teaching in the negative," **Nancy Schultz** explained. The instructors also felt the examples in the texts were inadequate and weren't practical samples of problems that lawyers would encounter.

**Nancy Schultz**, "We decided to write a book to cover everything we wanted to teach in the way we wanted to teach it. It covers everything in great detail, including pleadings and letters. There is also a more extensive appendix," **Scott** said. And, as **Annemiek Young** added, "It contains several samples of everything covered in the text, plus the blue book exercises. We know that what we are giving our students now is better than last year," emphasized **Porter**.

The group was very organized in its approach; the instructors decided what they wanted to include in the book and then divided up the chapters by interest. After each chapter was completed they would all meet as an



Prof. Louis Sirico, director of legal writing program.

Finding a publisher for this book was relatively easy. Professor **Sirico** said that the **Matthew Bender Company**, which has agreed to publish the book, is "trying to build a line of books for law schools" but the company currently does not market any books on the subject of legal writing. **Sirico** and the legal writing instructors had become aware that **Bender** was looking for people to author law texts. "One of their executives came down and met with us and we talked about what we wanted to write and what their interests were," **Sirico** added. The editorial revisory board of the **Bender Company** approved the proposal shortly after it was submitted. As **Karen Porter** explained, "We didn't have to go looking for a publisher, **Bender** had a definite need."

The legal writing instructors were enthusiastic and determined about their new project. "If the **Bender Company** had said no to our proposal, we had already decided that we would try somebody else," explained **Annemiek Young**. "We would not have written the book if there wasn't a market for it. With all of our experience we knew we would do a good job," added **Lauren Scott**.

The purpose of the book was to fill a need of which the instructors were acutely aware. According to

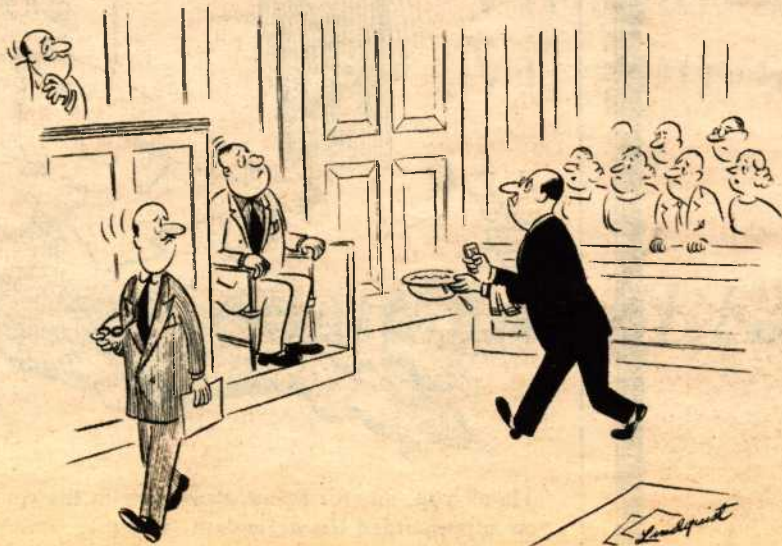
editorial board. **Sirico** said, "we would all sit down and go through the chapters line by line, so the final product reflects the work of all of us."

All in all, it was a fine learning experience for those involved. "We all learned a lot," said **Porter** with a smile, "because we tore each other's work apart."

The completed chapters of the book are being used in this year's legal writing classes. The chapters will be further revised to reflect the changes this year's experiences suggest. Eleven of the 17 chapters and the appendix have been completed thus far. The finished product will be approximately 275 pages long, and though the book should be completed this semester, it won't be published until next fall.

**Sirico** said, "This is a good year for us to do the book because we have four instructors coming back who already have experience teaching and who are all excellent." All instructors for the legal writing program at Villanova are hired under a one-year contract that is renewable for one additional year.

The authors feel that their book will be superior to the other books on this subject presently on the market because it is comprehensive and was written by lawyers, for lawyers.



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## NEWS

## An Overview of Moot Court

By John J. Gambescia

As law students begin to understand the law in theory, one primary goal is to gain the courtroom experience necessary to understand the law in practice. A starting point for this experience has begun for most second and some third-year students as they prepare for the first round of the VLS Moot Court Board's presentation of the 1987-88 Reimel Moot Court Competition and Moot Court II Credit Round. This year marks the 28th annual presentation of the competition.

The Theodore L. Reimel Appellate Moot Court Competition is VLS's intra-school competition comprised of teams who brief and argue a hypothetical legal problem before a distinguished panel of judges. The competition places students in the pressure-filled atmosphere of a courtroom and allows them to court the basic skills of appellate advocacy.

Professor John Hyson, faculty advisor to the Moot Court Board for the past sixteen years, believes that this type of exercise benefits the student in several ways.

"Writing the brief is a very valuable experience in learning how to organize and draft the best arguments, and a good bit of what lawyers do is this kind of work," Hyson said. "The oral argument is probably the part that most people focus on because it is more public, but also more stressful; and, the people who get involved in moot court are saying they want to develop these public speaking skills."

An alternative to the Reimel Competition is the Moot Court II Credit Round. The Credit Round teams argue the identical problem and are held to the same rules and quality standards required of the Reimel teams, but Credit Round participants argue only once before a panel of alumni judges, while Reimel competitors must argue at least twice. Also, Reimel teams who advance to later rounds have the opportunity to argue before judges of the Court of Common Pleas, Federal District Court, U.S. Circuit Court of Appeals and the Supreme Court of the United States.

This year's problem, drafted by Professor Anne Poulin, involves a criminal matter on appeal to the Supreme Court of the United States by writ of certiorari. The problem presents the broad issues of: 1) whether the Grand Jury testimony of an unavailable (dead) witness is admissible under F.R.E. 804(b) (5); and 2) whether the search and seizure of tangible evidence by police officers was constitutionally valid within the meaning of the Fourth Amendment.

The process of selecting an author for the problem is surprisingly simple. At the beginning of each summer the moot court advisor will ask a VLS faculty member to draft a challenging problem related to that member's particular field of expertise. "What we have is an informal obligation on the part of each faculty member," Hyson said. "It is not written into anyone's contract, but it is something that we [the faculty] know we should do."

Poulin, who teaches Criminal Law, Advanced Criminal Procedure and Evidence, noted that there are inherent difficulties in drafting a criminal problem for the moot court competition. "The hard thing is coming up with issues where you can put in enough facts without having the whole transcript or record, [because] an awful lot of criminal

procedure issues call for a tremendous number of facts."

Other factors that Poulin considered in formulating the problem included: issues that are interesting enough to hold the attention of the students through the whole year, issues that have not been decided recently or would not likely be decided during the competition, and issues that also have an area of question in them.

Students are often concerned that the topic selected will be a difficult one for them to develop. Although it is generally understood that the degree of difficulty is purely subjective, certain fields of law (i.e. patents, antitrust, and tax) often require a more natural understanding, and it is often quite challenging to master the issues in the allotted time. Hyson believes that "the students' perception of this year's problem would be [that it's not] easier than last year's patent problem, it's perhaps inherently more interesting." However, Hyson also points out that, as the competition moves into later rounds, "the students get a better appreciation of how complex the problem is, and the briefs and arguments get increasingly sophisticated."

The 1987-88 Moot Court Board is made up of 27 second and third year students who were invited on the Board because they were either: 1) on one of the final four teams in last year's Reimel Court Competition, or 2) one of 12 first-year students chosen by the four first-year instructors.

The Board also has the enormous task of organizing the 112 teams and 224 participants in both competitions. This includes scheduling arguments, reserving rooms, contacting alumni to sit as judges, screening all briefs for violations of the Rules of Appellate Procedure, and performing many other daily activities.

Reimel Court Administrator Elliot Berton said that presentation of the competition must be done "in fairness to all the teams involved, and with the attempt to balance everyone's interests."

The Moot Court Board also represents VLS in regional and national competitions against other law schools around the country. The Benton Moot Court Team is comprised of Martha Baskett, Clare Keefe and Marie Sambor, and is scheduled to compete in Chicago in late October for the National Privacy Competition. The National Moot Court Team is comprised of Lisa McCausland, Rosemary Pinto and Jeffrey Henderson, and is scheduled to argue in Washington in November. Jane Lessner is the Board's Outside Competition Coordinator and acts as VLS liaison with other law schools for the various competitions entered.

**NOTE:** VLS's moot court competition is named in honor of the Honorable Theodore L. Reimel, who served on the bench of the Court of Common Pleas of Philadelphia from 1953 until his death in 1973. Prior to his appointment to the Bench, Judge Reimel had a distinguished career at the bar as a active trial lawyer for 25 years (10 as assistant district attorney), an associate professor and lecturer at Temple Law School, and the author of numerous articles and books. He was an esteemed friend and benefactor of VLS, and as a member of the original Board of Consultants to the Law School (1951-1973), he contributed greatly to the growth and success of the school.

## VLS Profs Publish PA Evidence Book

by Marie Sambor

Four years and umpteen revisions later, the first book on Pennsylvania evidence is in print. Titled simply, *Pennsylvania Evidence*, it is written by our own Professors Leonard Packel and Anne Poulin, and lists at \$70.

West Publishing Co. approached the pair in the late summer, early fall of 1983. The publisher's representative wanted Packel and Poulin to write a much-needed book about the law of evidence in the Keystone State.

"Pennsylvania has never codified its rules of evidence," Packel noted. "That's not surprising," he added, "considering the 'control group' of the Pennsylvania bar. Most Pennsylvania attorneys never learned the Federal Rules of Evidence, so enacting similar laws seemed unnecessary and over-complicated." As a result, however, inconsistencies have developed which made Packel's and Poulin's task an unenviable one.

By January 1984, they were under contract and underway. From the start, the pair had certain goals in mind. They wanted the book, primarily designed

for practitioners, to be readable and easily understandable. To ensure this, they followed the Federal Rules format. Packel and Poulin did most of the research and all of the writing. They also had their research assistants do a major part of the editing. Packel completed the section on Hearsay with the accompanying exceptions; Poulin completed the section on Relevance.

With respect to the working relationship of the pair, who co-author the Evidence exam in the

spring, Poulin said, "Nothing could be better than working with Professor Packel." To which Packel retorted, "Except possibly working with Professor Poulin."

As for future collaboration, there is more work to be done. Both anticipate lots of changes in the common law. In fact, there have already been recent Pennsylvania Supreme Court decisions that call for changing some sections of the book. The first pocket part incorporating such changes is expected to be out next year.



Professors Len Packel and Anne Poulin, collaborators in writing "Pennsylvania Evidence."

## Faculty Informally Discuss the Bork Nomination

Two weeks before the Senate Judiciary Committee swore in its first witness, an impromptu panel of three VLS professors convened a lunchtime debate — attended by some 50 students — on Supreme Court nominee Robert Bork. The Docket is pleased to reprint some of the liveliest excerpts here for those who could not attend.

## Dean Steven Frankino:

Since the nomination was announced, I've read with a great deal of interest what's been said and I don't recognize Judge Bork in most of what I've read.

I don't take the position ... that we should follow the President's nomination just because he made the nomination. Secondly, I don't think it's appropriate for the Senate to impose on the Court their guess as to what the values of the nominee are.

Judge Bork is not an "original intent" devotee ... I would say, if you could put a label on him,

he has interpreted statutes purposefully, rather than in terms of original intent, and that is not being a slave to the document but rather looking for the reason and rationale behind the enactment to make sure that reason and rationale has been promoted.

I'm a Democrat. I may disagree with Judge Bork on everything when it comes to what you do by way of social legislation. [But] I would not support his nomination if I thought, ideologically, his purpose was to dismantle either the civil rights or the legal strides achieved by women in the last two decades.

## Prof. Richard Turkington:

I find most troublesome his scholarship, and I think it's his scholarship that is a source of concern over the question of whether he would be an extremist in interpreting the Constitution or a moderate.

When he applies his [published constitutional] theory to specific constitutional provisions ... his positions are very extreme. [His] is not a moderate or a middle of the road approach. [For example,] in the equal protection area, and I think this is the cause of concern for women, he suggests that the only principled approach to interpreting equal protection is that it's limited to racial discrimination ... [His theory] suggests that there's no principled basis at all for *Griswold v. Connecticut* [the leading case on the constitutional right to privacy which enabled married couples to use contraception], that it's intellectually empty ... To say that there's no sound tradition of constitutional law that will support that opinion strikes me as pretty dogmatic and inflexible.

## Professor John Hyson:

Where I think the discussion begins is whether a nominee who has consciously in his career

positioned himself off at one end ... whether that person with those views should be on the Supreme Court. ... There's a lot of packaging going on right now with Judge Bork, and I think he would be embarrassed by it because to categorize him as a moderate is to ignore the intellectual courage that it took when he was on the Yale faculty to say: "I'm on the other end, guys."

The man has built his career, he owes his nomination to the fact that he has positioned himself [that way]. The question is whether you find those views as to what is protected by the Constitution and what is not are the views you want to be represented on the Supreme Court at a time when the Court is pretty well balanced. Judge Bork is not a moderate. He didn't make his career as a moderate.

## Dean Frankino:

There is nothing that I can identify in either his character or the way in which he has conducted himself as a law professor or in either the executive or judicial branch of the government that to my mind show he's an extremist. I think for the purposes of dialogue as an intellectual he's taken extreme positions. That's quite different than saying that a person is an extremist.

I think the worry that Judge Bork will be a lobby to the present administration is the kind of opium the present administration would love to have and I think their greatest single fear ... because he's intellectually honest and totally independent.

[If Judge Bork isn't confirmed], Orrin Hatch will be the next member of the Supreme Court. Then you'll have a very ideological, very purposeful person who will represent the Reagan revolution for the next four decades because he's much younger than Judge Bork. Bork is 60; Hatch is in his late forties.



Prof. John Hyson



## Whatever Became Of International Shoe?

by Mary K. Schottmiller

International Shoe v. Washington, is remembered best for its lengthy and boring treatment of the minimum contacts issue. But remember the interesting twist to the case? Strangely enough, the salesmen traveled around the state with a line of samples, but the samples contained only one shoe of each pair. Even worse, the salesmen rented hotel rooms or business buildings temporarily to display their wares.

What an odd situation! Here are traveling salesmen, miles from home, renting sleazy hotel rooms, attempting to make sales with only one shoe to unsuspecting housewives. I figured International Shoe Co. was either a front for an illegal operation, or some fly-by-night company on the verge of bankruptcy.

How wrong I was! International Shoe Company now is INTERCO, a major manufacturer and retailer of consumer products and services. Their 1986 annual report announced net sales of over \$2 billion. INTERCO now owns 11 apparel companies, 248 retail stores, 873 retail shoe stores and 46 furniture factories in four countries.

The better-known companies of INTERCO include: London Fog, Devon Apparel, Florsheim Shoes, Broyhill Furniture, Ethan Allen and newly acquired Converse Inc.



INTERCO even has begun an electronic retailing system to improve marketing. Sadly enough, however, no more hotel rooms.

## ASK AUNT EMMA



Dear Aunt Emma:

I guess I never wanted to admit it, but I can't deny it any longer. I'm dowdy. It's just awful getting up in the morning, poking my nose into my closet and all I see are prissy, ruffled blouses, a powder blue, polyester pant-suit, and a red pair of Keds. I read Redbook religiously each month, and try to mix and match. I even bought some new fangled accessories like they say to, but every time I look in the mirror I see Mrs. Oliver North peering back at me. HELP!

— In Search of a "Blue Light Special"

Dear Blue Light:

The first step towards recovery is to set a match to the polyester and give the blouses to the Salvation Army. You should seriously think about changing your subscription to Vogue, too. Style is a very individual statement, but you can learn a lot from observing others. Like Glamour's "Do and Don't" column, "Don't" paint your face like Tammy Baker, but "Do" dress as if you were Iman.

Dear Aunt Emma:

I have a potential legal problem with Villanova Law School. The \$50 they charged us for that parking decal is not a guarantee that there are spaces available. With my late class schedule, by the time I pull up in the mornings, there are no spaces! What should I do with the parking ticket I'm

sure to get, or worse, the towing bill?

— Perplexed Parker

Dear Perplexed:

Try talking to Dean Garbarino. If all else fails, try plotting your arrival to school when class periods change, or get up early.

Dear Aunt Emma:

I'm on the road to nowhere! I'm a 3L with nagging relatives, a huge debt-load, and no desire to repeat my law school experience in a law firm's carrel. I never foresaw this happening, but I feel as though law school has stifled all my creativity. What are my options?

— David Byrne's playing my tune

Dear Talking Head:

Explore all the boundaries! By all means, do not view that first job as a life sentence. Follow your instincts. You'll never be happy if you force yourself to take a job because you think it's what you "should" do. Life's too short to spend it being miserable. Besides government jobs, and clerkships, don't forget that a law degree can open a lot of doors for some very exciting law-related, or even non-law opportunities. Only you can decide where it is that you'll realize your full potential, but if nothing else law school should have instilled in you the confidence to know that if you can survive law school, you can do anything you want.

## New Dean's Agenda

(Continued from page 1)

According to Dean Frankino, "We are presently in a 'study/planning mode' to set priorities for every aspect of the law school's life, to set goals, and then to be prepared to implement the plans which are now in the works."

The dean is also looking to steps that can be taken in the immediate future. One of the immediate effects of this plan will be renovations in the student lounge and the vending room. In addition, the dean is also interested in making his administration responsive to the needs of the students. After all, "The students are the object of the enterprise," said Frankino.

One of the areas in which he is very interested is the current registration system. The Student Bar Association has announced that they are presently forming a committee to study the registration process and Dean Frankino has announced his willingness to participate. In his words, "there is nothing sacred about the system

and if it is not being responsive then [it] should be looked at and made responsive." In general, the Dean favors a strong faculty/student committee, which was originally designed to be a channel through which student concerns could be passed to the administration.

Another issue that the dean intends to address is the relationship between the law school, the university and the surrounding community. He feels the key to an improved relationship with the university is to let them know that the law school wants to become a part of the entire university community.

Dean Frankino is preparing Villanova law school for the future with one eye on the day-to-day issues which he feels are important to the student body. Because, according to Frankino, "The administration's purpose is to satisfy the professional, educational, and everyday needs of the student."

## Summer Jobs Abroad Broaden Horizons

By Lisa Kmiec

September's most overused question — "What did you do this summer?" — carries with it September's most overused answers. Most responses deal with slaving in the city heat for firms headed by Snidely Whiplash or Ebenezer Scrooge. But talk to a select few students and you'll hear a different story.

Talk to Andy Briggs, a 3L who summered in Geneva working in the legal department for a subsidiary of Caterpillar Corp. in the headquarters for Africa, Europe, and the Mideast. The small (three lawyers and Briggs) department deals with issues of contracts, private international law, and

jurisdictional questions arising out of conflicts between national laws and international laws of the Common Market.

When the department received a contract for review, for instance, it was Briggs who identified and researched a possible violation of the current anti-trust laws. "Working within a small group in a large corporation offered me unique responsibilities and learning opportunities," says Briggs. "I don't think I would have been able to gain the same experience and contacts had I worked in a firm here." Briggs hopes to return to the company permanently after graduating.

You could also speak to Remo

Chiatti, a native Italian and 3L here, who studied in Florence this summer. Taking European Community Law and Comparative Litigation, Chiatti feels that the course content itself makes the experience worthwhile (courses taken abroad must be courses that aren't offered here), and many students feel that the summer credits lighten the load for the following year.

Chiatti feels that much of the education gained abroad happens outside the classroom. "When you live here (in the U.S.), you tend to think that this is the best, the only way of life. It's a lesson in maturity to study elsewhere."

## Luke's Law Trivia

1. What was the real name of "Jane Roe," of Roe v. Wade fame?
2. Which medical school did Baake sue for "reverse-discrimination?"
3. Name one of the two Supreme Court Justices who hail from the Garden State of New Jersey.
4. Which regional reporter contains reports of Oklahoma state court decisions?
5. Name two of the four law schools whose law reviews hold the copyright to the Uniform System of Cit-

6. Which constitutional amendment guarantees the right to a trial by jury?
7. Which Circuit Court hears appeals from the Virgin Islands?
8. Name just one of the four U.S. Supreme Court Justices who never went to law school.
9. Which U.S. President was also Chief Justice of the U.S. Supreme Court?
10. Name one of the three authors of The Federalist Papers.

- Answers
1. Norma McCorvey
  2. University of California-Davis
  3. William Brennan, Antonin Scalia
  4. Pacific Reporter
  5. Columbia, Harvard, Yale and Penn
  6. The Seventh
  7. The Third
  8. John Jay, John Marshall, Roger Taney, Solomon Chase
  9. William Howard Taft
  10. Alexander Hamilton, James Madison, John Jay

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on  
her engagement.



# FEATURES

## Alternatives

by Jamie Sheller

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If you get tired of fighting over research materials for Moot Court or if you get sick of socializing at Villanova's Library, gain sweet anonymity, go to Penn or Temple. UNIVERSITY OF PENN. LAW LIBRARY

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Telephone # — 592-5690

### Book Stores:

If the Villanova bookstore runs out of what you need or you just want to save money on a good selection of used books and commercial guides, here are alternatives.

### UNIVERSITY OF PENN. LAW BOOKSTORE

34th and Chestnut Street  
the basement of the Law School  
Hours — Monday thru Friday 11 a.m. to 1 p.m.  
Telephone # — 898-5781

### TEMPLE UNIVERSITY BOOKSTORE

13th and Montgomery at the Student Activity Center  
Hours — Monday thru Friday 9 a.m. to 5 p.m.  
Telephone # — 787-7385

Zavelle's Bookstore  
1700 North Broad St. (Broad and Columbia)  
Hours — Monday thru Thurs. 9 a.m. to 6 p.m.  
Friday 9 a.m. to 5 p.m.  
Sat. 10 a.m. to 4 p.m.  
Telephone # — 763-1514

### How to Get There Without a Car

#### To Temple:

Take the Paoli local to Penn Center Suburban Station, get off the train and walk underground to City Hall, following the signs to the Broad Street line (Orange Line). Take it north to Columbia Avenue and you are in the middle of the Temple University Campus.

#### To University of Penn.:

Get to City Hall just like going to Temple, except now look for sign to the Market-Frankford subway line (Green line). Get on

and go to 34th or 40th and Market St.; you can also take the trolley from City Hall (#11, 13, 14, 36) which goes further south and lets you off at 34th or 37th and Spruce St. To get home make sure you catch the last Paoli locals, which leave 30th Street Station at 12:19 a.m. and Penn Center at 12:15 a.m.

Don't be intimidated. The subways and Trolleys are clearly marked. They run frequently and all the tracks are right next to each other.

### After the Work is Done!!!! Happy Hours:

Irish Pub — 2007 Walnut Street  
Get there early or there will be a line. Thursday Nights are the big night. A College/Yuppie crowd who let it all hang out.

Carolinas — 261 S. 20th Street  
Meat-Market for the grey and navy suit crowd.

Fish Market — 124 S. 18th Street  
There's a lot more catches than just shrimp and flounder. Meet people that have enough marital experiences to insist on pre-nuptials.

Top-of-Center Square — 1500 Market Street (42nd Floor)

A good view of what Philadelphia has to offer, "Mega-Yuppie" scene.

Polo Bay — Warwick Hotel 17th and Locust Street

Good food at Happy hour and a Jet-Set crowd. Pseudo-fashionable, cover charge at door.

Flanigans — 532 South Street

Also has good food and open bar at happy hour. The crowd at Flanigans are people who still secretly practice the "Hustle" while listening to Saturday Night Fever. Cover Charge at the Door.

Mace's Crossing — 1714 Cherry Street

Nice outside deck for when the weather is nice. Upper echelon Yuppies.

### Best Deals:

#### Drinks:

Trocadero — 1003-05 Arch Street  
Happy hour is broadcasted on the radio, 4-8 no cover, open bar 4-6. Dancing if you can hang on till the later hours, the Troc turns into a Night Club until 2 a.m.

#### Food:

Casa Maria — City Line Avenue and Presidential Blvd.

Best free food at Happy hour. There may not be any people there to meet but at least you'll leave with a full stomach.

There is a lot going on in Philadelphia and even if you have a large work load everybody should get out at least once or twice so make the best time it can be, T.G.'s are O.K., but there is life beyond the cafeteria.

Next month, more ALTERNATIVES.

## Questions Need to be Answers

(Continued from page 2)

guard the public trust whereby we as Americans can confidently expect that only elected officials will exercise authority and that they will exercise it only as proscribed by official law.

Several concepts that surfaced in these two events need to be extensively and comprehensively

debated by the American public. These include plausible deniability, delegation of authority, government by information control, management by media leaks, and executive privilege.

The existence of an under-informed or misinformed, complacent population is more likely to damage our national integrity and our precious democracy than any

foreign sovereign power or any opposing political ideology.

Government is more than big business a la the corporate model. It is above all a sacred public trust, deriving all its powers from the consent of the governed and holding itself fully accountable to the governed through representative structures and through the proper exercise of the public trust.

## TAKING \$TOCK

By Walter Lucas

I can still recall my first statistics lecture, delivered by a Jesuit high school debate coach. "Gentlemen," began Father Cleary, "There are three kinds of lies: Lies, damn lies, and statistics." It's a lesson worth remembering next time you pick up the financial page and see headlines screaming about economists going into shock over the "staggering" amounts of consumer debt being run up today.

But while the drumbeat of worry goes on, so does Wall Street's confidence that a major element in the economy's performance over the next several years will be the continued growth of consumer spending.

What shocks the economists is the frighteningly high aggregate figure of consumer debt as a percentage of income. The U.S. Commerce Department estimates that more than 20 percent of our paychecks is eaten up by car payments, clothes, credit cards and the like. But what the economists don't see by looking at the aggregates is more important than what they do see, says Greg Smith, chief investment strategist at Prudential-Bache Securities.

The aggregate statistics do not differentiate behavior among different types of households, he notes. Thus, they ignore the fact that 42 percent of all U.S. households are headed by baby boomers, the post-World War II generation who range from 23 to 40 years old. They are at the prime debt-accumulating stage of life as they feather their nests, says Smith. He sees consumer debt levels

rising even higher as these nesting baby boomers increase their proportion of the nation's households.

Nor do the statistics themselves say anything about the ability to service the debt. According to Smith, a key factor in the consumer's ability to service more debt has been the lengthening of maturities. He points to car loans, which account for 40 percent of all consumer debt, as a prime example. While maturities of 24 months were the norm in the early 1950s, he notes that the norm today is 60-month loans. Likewise, mortgage terms have also lengthened, from the typical 20 years of the Fifties to 30 years today.

What all this means for consumers is that they are going to be able to keep on buying on credit. What it means for investors is opportunity. As the baby-boom households continue their nesting, Pru-Bache analysts expect the companies that cater to their nesting needs to continue to experience above-average demand. Smith believes that earnings for consumer product companies have yet to peak.

Companies best-positioned to capitalize on the nesting frenzy of 42 percent of today's households range from automakers, homebuilders and packaged food producers to restaurants, retail store chains and advertisers. The strongest recommendations on Pru-Bache's buy list include the likes of Chrysler, General Motors, Campbell Soup, Hershey Foods, PepsiCo, Anheuser-Busch and McDonald's.

## VLS Hosts Products Liability Symposium

On Oct. 5, the International Law Society of VLS will host a symposium on "Transnational Products Liability." The symposium will begin at 8 p.m. in room 30 Garey Hall and will include a question and answer session. A wine and cheese reception will immediately follow the symposium, giving guests an opportunity for more informal discussion with the speakers.

The symposium will include Professor Richard C. Turkington, Professor Harold G. Maier, and James D. Dinnage. John F. Murphy, Professor of International Law at Villanova University, will serve as moderator for the panel.

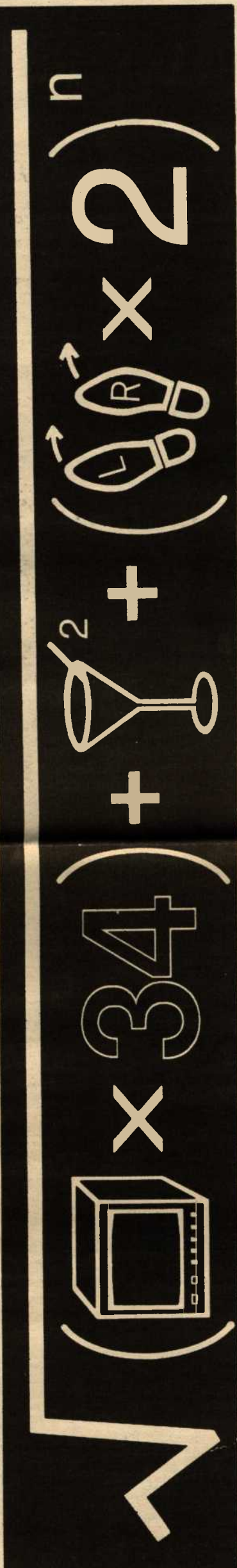
Turkington will begin the symposium by giving an overview of the law on products liability in the United States. Turkington, Professor of law at the Villanova Law School, is the holder of an LL.M. from New York University, and is the author of many articles in the tort and constitutional law area. Among his writings are: "Unconstitutionally Excessive Punishments: An Examination of the Eighth Amendment and the Weems Principle;" "Introduction: Some Limitations on an Impact Analysis in Equal Protection Cases;"

Maier will follow with an examination of the jurisdictional issues arising from the so-called "extraterritorial" or transnational application of U.S. products liability law. Maier, Professor of Law and Director of Transnational Legal Studies at Vanderbilt University, is currently a visiting professor at the George Washington University

National Law Center. He is a member of the Board of Editors of the **American Journal of International Law**.

Maier's education has included study at the Luftbrücke Dankstipendiat, Free University of Berlin, and at the University of Munich as a Ford International Studies Fellow. He has served as a Guest Scholar at the Brookings Institute in Washington, D.C., as Counselor on International Law to the U.S. State Department, and as a Visiting Professor of Law at the University of Pennsylvania. In addition, Maier has authored many articles on international law as well as (with Buergethal) **Nutshell on Public International Law** (1985.)

James Dinnage will conclude the presentation with a discussion of European perspectives on U.S. products liability law and assertions of jurisdiction, as well as of developments in Common Market products liability law. Dinnage, who co-teaches (with Manuel Angulo) a course on "International Litigations with an Emphasis on European Economic Community Law" in the Villanova Law School's graduate program, is presently a Counsel in the Legal Department of E.I. duPont de Nemours & Co., having taken that position after serving as the Legal Adviser of duPont (U.K.) Limited. Before joining duPont, Dinnage was a Lecturer in Law at the University of Southampton, where he taught E.E.C., Contract, and Company Law. He has authored many scholarly works, including (with Parry) **EEC Law** (2d ed. 1981.)





## Villanova Football

# The Long Road Back

by Chris Fichtl

1987 will mark the first season that Villanova will play football in the highly competitive Yankee Conference. "This is a big year for us. It's our chance to show everyone just how good we can be," remarked Pacitti, a member of the squad. "It's been a long, hard road, and we see this season as the culmination of all we've worked for," the offensive lineman continued.

That long, hard road was sparked by the controversial elimination of football at Villanova by the Board of Trustees on April 13, 1981. The Board claimed that football didn't contribute to the mission of Villanova, and had become a financial burden on the institution, losing over one million dollars in the last two years.

In an immediate reaction to the Board's decision, the alumni association announced the formation of a committee to restore football. "It is the opinion of many alumni and friends of Villanova that this is an ill advised and intemperate decision," claimed Doug Murphy, the Alumni Association President at that time.

The following year, Student Government completed a poll of students on financial support of football. The survey results showed 96% of the 4,300 students questioned confirmed they would pledge \$35.00 a year to fund a football program.

Simultaneously, the University Senate and the Advisory Committee released a 14-page study on the potential of a new football program. The report cited three

conclusions: football benefitted participating students; it provided visibility for the University; and it was a rallying point for student and alumni activities. The University Senate recommended that the Board of Trustees conduct a comprehensive review of the entire athletic program, including the participation of the University in an intercollegiate football league.

In response to these criticisms

and recommendations, the Board of Trustees appointed a special committee on football. The committee was assigned to define an intercollegiate football program for Villanova satisfying the criteria of financial sustainability and consistency in the University's mission statement of academic excellence.

The subcommittee proposed that Villanova join the Yankee

Football Conference with a schedule of five home and five away games.

In November of 1983, the Villanova Board of Trustees voted to restore football for the 1985 season. To allow Head Coach Andy Talley enough time to recruit the quality athletes required to compete at the 1-AA level, the Cats would play division III opponents for the first year, gradually escal-

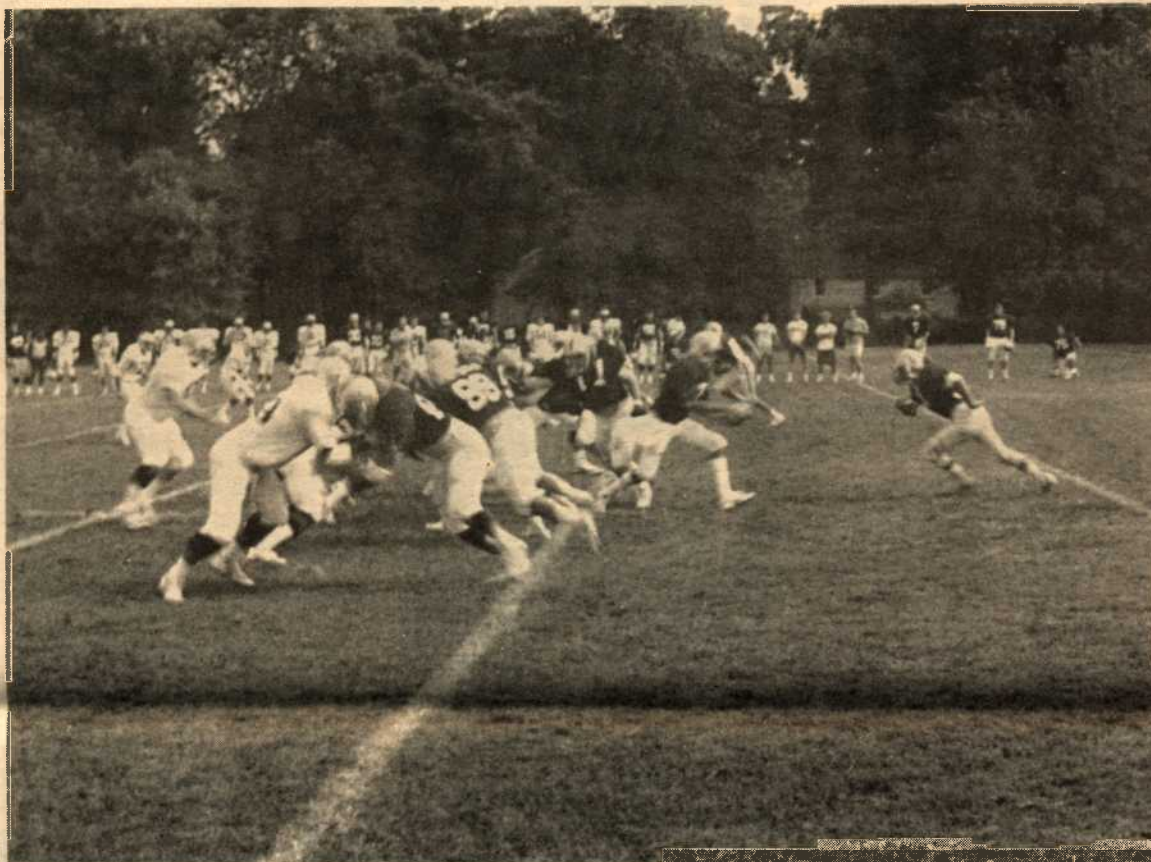
ating to a full Yankee schedule in 1988.

In 1985, the Cats rolled up victories over Iowa, Pace, Catholic University, Navy JV, and Fordham, to boast a sparkling 5-0 record. The next year Villanova continued its climb to 1-AA football with a nine-game schedule including such opponents as Columbia, Iowa, and West Virginia.

The 1986 season finished with the impressive record of 8-1-0, the best full season of football at Villanova since 1949. All told, 12 individual, as well as 8 team records were established.

It's easy to see the outlook for 1987 is bright. All indications point to Villanova becoming a Yankee Conference contender when the Cats officially join the league in 1988. But Coach Talley isn't concerned with his 13-1-0 two-year record, nor that Villanova returns 50 lettermen including 19 starters. Instead, he sees 1987 as a new season filled with challenges, the biggest being a monumental schedule which includes seven NCAA 1-AA football teams. "I feel that our challenges now are very great, and we are going to be pressed to our limits."

Coach Talley and his staff know that once again they must prove themselves, this time against 1-AA programs including powerhouses Holy Cross, Richmond, Boston University, Connecticut, Northeast University, and Massachusetts. The long journey back to top level football which many felt was now coming to an end, may be just beginning.



Villanova prepares for the upcoming season with a full contact inter squad scrimmage.

## 1987 Wildcat Football Schedule

|          |                                   |      |
|----------|-----------------------------------|------|
| Sept. 5  | at Yale (scrimmage)               | 1:30 |
| Sept. 19 | at Liberty                        | 1:30 |
| Sept. 26 | <b>MERCYHURST</b>                 | 1:30 |
| Oct. 3   | <b>BOSTON UNIVERSITY</b>          | 1:30 |
|          | (Parents' Day)                    |      |
| Oct. 10  | at Central Connecticut St.        | 1:00 |
| Oct. 17  | <b>CATHOLIC</b>                   | 1:30 |
| Oct. 24  | at Northeastern                   | 1:00 |
| Oct. 31  | at Connecticut                    | 1:00 |
| Nov. 7   | <b>MASSACHUSETTS</b>              | 1:30 |
|          | (Homecoming)                      |      |
| Nov. 14  | at Richmond                       | 1:00 |
| Nov. 19  | <b>HOLY CROSS (ESPN)</b>          | 8:00 |
|          | (Home Games in <b>BOLD CAPS</b> ) |      |

All games will be broadcast on WDVT  
(900 am) Radio

**HEAD COACH:** Andy Talley

**FOOTBALL OFFICE PHONE:** (215) 645-4105

## Alumni Scrimmage Begins New Season

By Joe Garland

The end of the summer marks the start of the rugby season at VLS and this season started off with the annual Alumni Scrimmage on Saturday the 12th. The Alums were last years grads with a few older Nova Law ruggers joining in to fill out the team. The scrimmage was intended to introduce the large crop of new players to the game and to get the more experienced players ready for the season ahead. The match went well and both goals were met — everyone has a better idea of how to play rugby and is much better prepared for the season. All participants enjoyed post-game festivities at fieldside and were treated to the song stylings of Mrs. Jim Logue.

Rugby is not a familiar sport to most Americans but it is gaining fans and players every year. It is a British sport which was developed at the upperclass Rugby School in England in the 1830s. It seems the boys there wanted a more vigorous version of soccer and developed a new, full contact sport which is a bit like American football and a bit like nothing you've ever seen. Like football, Rugby has two teams moving a ball down the field into an endzone where points are scored, and extra point kicks. They both have large linemen upfront, and quick backs running the ball. Rugby, though,

has no forward passing, no blocking, and no protective equipment. Rugby allows kicks from anywhere on the field and has balls thrown back in from out of bounds like soccer, but not exactly. Then again there are rucks, mauls, scrumdawns, and 22 meter kicks, but I won't get in to that here. The best and most enjoyable way to learn rugby is to come out and see a game. Most of this season's games will be played on the fields behind the tennis courts by Saint Mary's Hall across from the law school. There is usually some form of refreshment and a large group of players and fans who are more than willing to explain the game. The schedule for this season can be found on the bulletin board by the small door to the student lounge. The games are played on Saturdays at around

noon and last about an hour and a half per game.

Those interested in playing or watching rugby will find it a welcome diversion from school or work which fits in well with most schedules — being only a few hours out of the week. The Rugby club also sponsors various social events during the year which should not be missed. Most of these are held at the law school and will be announced well in advance. (This includes, of course the famous Ring Dang Do Luau, the new standard by which Philadelphia society measures the success of its better outings.)

Those interested in joining the team should contact team captain Jeff Henderson or other members of the team or just come to practice on Wednesdays at 3:30.



A past team of Villanova Ruggers set for scrum.